

**THE JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT**

ASSEMBLY DEBATES ON AUTONOMY REPORT

(English Version)

(OFFICIAL REPORT)



9TH SESSION

APRIL 8TH AND 10TH 2000

AND

JUNE 20TH, 21ST, 22ND, 24TH & 26TH 2000

SECRETARIAT

M. Iqbal Ganai,
Secretary,

G.M.Qadri
Dy. Secretary,

**THE JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
DEBATES**

(OFFICIAL REPORT)

9TH SESSION



***Discussion on State Autonomy Committee Report (placed on the
Table of the House on 13th April, 1999) regarding which motion
was moved by Shri P. . Handoo, Hon;ble Law Minister
on 8th April, 2000***

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

SECRETARIAT

(Official Report)

(Relevant Excerpts from the proceeding dated 8th April, 2000 regarding discussion on State Autonomy Committee Report)

Hon'ble Speaker, Jenab A.A. Vakil presided over the sitting.

Shri Mohammad Yousuf Tarigami: Sir, I am very much surprised to note that the important item of autonomy has been enlisted in today's list of business. This pertinent political issue has become a bone of discussion in the newspapers all over the country these days. Last year at the time of presentation of this report, the Govt. had made it clear that a detailed discussion would be held on it in this House and the same was assured in the Governor's Address too but without taking the House into confidence, the report was presented before the Central Govt. At the fag-end of this session when single working day is left.....(Interruptions). I am in doubt whether this issue is an election stance or has to do something with our fate and future of our State. How can we do justice with this important issue when we are asked to wind up the debate on it on the last day i.e Monday? How can it be possible to do so in a single day? It is the question of our State's future in which the entire country including our State is involved. So, I would request the Hon'ble Chief Minister and other Ministers that they should give the recognition to it and not underestimate its significance. We are the representatives of the people and we should discuss it in detail for which single day is not sufficient but a special session needs to be convened otherwise it could be a great injustice with the people and this House. Therefore, I want an assurance from the Hon'ble Chief Minister regarding convening a special session for this purpose.

Thanks.

Mr. Abdul Gani Naseem: Sir, while sharing the views expressed by my learned friend Mr. Tarigami, I would like to submit that we should not forget the fact that today we are in this august House only by virtue of autonomy issue which we had kept on the top

priority in our election manifesto. At the time of contesting elections in 1996, we did never made any commitment of providing roads, drinking water facilities etc. etc, but we categorically made it clear that if our party is voted to power, to stop blood-shed going on for the last 10 years, in turn we will bestow you with the gift of autonomy and that is all. So I agree and support the views of Mr. Tarigami for convening a special session of at least 10 days so that the autonomy issue is discussed threadbare in the House.

Mr. speaker: Hon'ble aw Minister:

Shri P. .Handoo (aw Minister): Sir, with your permission and very solemnly, I rise to Move.....

Mr. Speaker: Before you present it, I would like you to quote the rule under which you came forward with it? Which is the rule ?

Mr. P. .Handoo (aw Minister): Rule about what ?

Mr. Speaker: About presentation of this resolution.

Mr. P. .Handoo : Presentation of what ?

Mr. Speaker: What you are stating in the House. Is it a motion?

Mr. P. .Handoo: Sir, it is a motion and that is all. Word 'presentation' has wrongly been used. It is something which is already on the Table of this House and the House is seized of it. I do not want to keep it unused there. Now I only seek a discussion what is normally just, your honour must be knowing it well that in respect of all the papers of different Conferences held all over India, we have been placing it on the Table of the House and I have reminded you that out of the two Conferences which I have had the privilege to represent this House, is All India Chairman Public Accounts Committee, we placed its papers on the Table of the House. So this is a just reason that we bring this motion here for discussion. But whatever, is placed on the Table of the House, is the material to which the House is seized of and if a member wishes to make use of it, he can. So I will refer.....

.....(Interruptions).....

Mr. Speaker: So, You present it first.

Mr.P. .Handoo: Sir, perhaps word 'presentation' was not correctly used.....(Interruptions).....

Mr. Speaker: Please be attentive and serious.

Mr. P. .Handoo: And I think I rise solemnly to move "That this House take-up a discussion on State Autonomy Committee Report placed on the Table of the House on 13-5-1999 in light of below recorded Cabinet decisions dated 15-3-2000 and 19-1-2000.

.....(Interruptions).....

Note:- At this stage the entire opposition excepting Sheikh Abdu7l Rehman, Mr. Abdul Rehman Veeri and Mr. Mohd Sultan Panditpuri stood up and disrupted the proceedings of the House with the result nothing was audible in the din. They staged a walk-out in protest. Hon'ble Speaker then asked Mr. P. .Handoo (Hon'ble Law and Parliamentary Affairs Minister) to continue.

Mr. P. .Handoo (Hon'ble Law Minister): "The Cabinet discussed the State Autonomy Committee Report and decided that a discussion be raised in the legislative Assembly along with a proposed resolution to endorse the earlier decision to constitute a Ministerial Committee which would initiate a dialogue with the Government of India on the recommendations of the Report. It was also decided that the aforesaid Ministerial Committee shall visit Delhi and other State Capitals to have discussions at the Ministerial level. It was further decided that an all party meeting would be convened in Srinagar in June ,2000 to discuss recommendations of the Report."

(ii) "The Cabinet endorsed the recommendations contained in the Report of the State Autonomy Committee. It was further decided that a special discussion on the Report would be convened in the legislative Assembly at its next session . At the same time a response to the Government of India may be conveyed regarding the constitution of the Ministerial Committee consisting of the following:-

1. Shri Ghulam Mohi-ud-din Shah, Minister for Housing and Urban Development

2. Shri P. .Handoo, Minister for Law
3. Shri Mohammad Shafi, Education Minister
4. Shri A.R. Rather, Finance Minister
5. Shri S.S. Slathia , Minister for Tourism and Youth Services and Sports.

The Government of India would be once again requested to set up a Ministerial Committee in order to initiate a dialogue on the Report” and this House be pleased to approve the same.

Sir, the only correction which I will suggest here is that in the last but one line after the word “Report” kindly have apostrophe comma as given at the top because that is concluding part of the Cabinet decision . It should not be part of the motion; substantively moved by me. Sir, While I have said in the beginning , I solemnly rise to move this motion for which I feel personally that it will be perhaps the most full of pride occasion for me in my political career. I wish to live long to see this House enacting all the laws as flow from this report . Right now, my esteemed colleagues who are not here, I will have told them what it is? We are not enacting any law, we are not coming forth with any legislative proposal , we are only coming forth with a report submitted to Government of Jammu and Kashmir , Field Officers, the Government of India . And Government of India in their eagerness to know what this report is and to know what opinion of the government of Jammu and Kashmir is , addressed a communication seeking the opinion of the Government of Jammu and Kashmir and seeking also our advice on the methodology to be followed in the matter of discussion for the legislation and enactment which are bound to flow from this report. No one should be under doubt either in Kashmir or in rest of the country that his report will go without being utilized to bring all that is necessary for enactment of laws here and in the parliament at an appropriate time. No one can dream that this will go into the historical document. Everyone must remember that on 15th of August, 1947 we started a journey in the country for federal India at which point of time, there were not only India and Pakistan but there were more than 500 States in the country. On the whole, 50th year after you should see what has remained. The State of Jammu and Kashmir, India and Pakistan have free constituent units in the sub-continent. The State of Jammu and Kashmir, India and Pakistan have

free constituent units in the sub-continent. The State of Jammu and Kashmir, an integral unit of the federation continue to remain the State of Jammu and Kashmir. I don't have much time because of the limitations set by this motion. Otherwise, I will have started to tell you the facts that we have submitted in the Report to the Commission. Was it a kind of multifarious reaction as the response is created? In reply to the recommendations of Autonomy Committee it is not trifurcation of the State. It is not balconization of the State on communal lines. It is not creation of small pockets of influence on the basis of religion race or language. Response should be a healthy discussion, there should be a healthy debate to find out whether there has any loop-hole crept in the constitutional relationship between this unit of the federation and rest of the country. And once you ensure a free debate, and a free transparency, you will find the reference for the first time in our Cabinet decision that in the month of June we shall be convening an all party meeting at Srinagar and that we shall be going around the country and all the State Capitals in the country inviting people to come and convince us or be convinced about what Indian Federation symbolized and looks like. We have also pledge that soon after this session there will be party sub-committee review on it and what do we want today is to approve what has been decided by the Cabinet through this resolution. That is one thing. On 19th of January, 2000 it was because the millennium has started that we have brought it and then in the month of March, 2000 again before the Cabinet in response to a communiqué and a query made by the Government of India, otherwise, we were waiting for the House to be convened and further that the Cabinet directive to this Sub-Committee was to have discussion here. The discussion is with you. The report is with you and you and you can deal with it in any manner you may like. If you agree with us, you will approve what we have proposed and then we will take the historical step.

Mr. Speaker: Sheikh Abdul Reham:!

Sheikh Abdul Rehman: Sir, so far as the discussion on the State Autonomy Committee Report is concerned, it has already been made clear that before taking up a threadbare discussion on the report in the month of June, a Sub-Committee set-up in this regard will visit other State Capitals and the Union Capital to Exchange views on this subject. In this background I think it is of no use to go into the merits and demerits of the report at this stage. So it will be better

To have a through discussion on it, only after the Committee collects the information and opinions from the outside quarters. Further I want to elucidate this point that it is the discretion of the Govt. to include it in the business agenda in whatever manner they deem it proper. However, the request of suggestion made at last paragraph of the motion to the Central Govt. for setting up a Ministerial Committee for having a dialogue on this report, is not the requirement of this House. The walk-out registered here by my learned friends has also lost its utility and because meaningless in view of the generous offer by the Union Home Minister to talk even on pre-1953 position of the State but here it is not the question as to whether it is Hurriyat Conference or your elected Govt. or any other section of the society with whom he is going to discuss it. Since the Home Minister has shown great generosity for talks with anybody, the registration of walk-out by his BJP party members over here will not serve any purpose and it tantamount to violation of their own Government's decision. So let the issue be kept open for wide discussion and after that we will send it to the Centre for acceptance either with the amendments from we people or in the same form. Why should we request them to constitute a Ministerial Committee for a dialogue? They have kept the doors fo dialogue open for the entire State. Under these circumstances, it is not possible to have a thorough discussion on this vast issue within a short period of time. I appreciate your move to bring it under discussion in a special session at Srinagar but here I would repeat it once again that the present discussion will not serve any purpose unless and until the Sub-Committee collects opinions from other parts of the country. With these submissions I request you to accept my amendment and delete the "requesting and suggesting sentence" from the motion. Why should we request them for setting up a committee? et us do our own job. They have given you an offer and that is all let us go forward for a dialogue wholeheartedly. Thanks.

Mr. Speaker: Mr. Bawan!

Mr. G.M.Bawan : sir, Is it about the amendment which I have moved or about the autonomy ?

Mr. Speaker : No, I have not received any amendment on this report. The report is under discussion.

Mr. G.M.Bawan : Sir, we have moved an amendment on the Autonomy Report That its implementation should be very quick and without fail. It is not only the recommendations made by the Committee but its implementation was to be assured. That is my point.

Mr. Speaker : Shri Sadiq Ali !

Mr. Sadiq Ali : Sir, I fail to understand the purpose of bringing this motion in the House at this stage . So far as autonomy is concerned, it has been our slogan for the last 50 years. In the past we have seen such events also when everybody who talked about autonomy was labeled as an anti-national element. But today we feel vindicated by the grace of God when the Home Minister of this country categorically affirms his readiness of having discussion even on pre-1953 position of the State. Autonomy is our basic concept. It enshrines guarantee of our future , solidarity of the nation and more so peace and prosperity of more than 1½ arab population of this region. So this motion should have been brought here with all seriousness. The motion is itself very clear on the gravity of the situation. Let me quote here the relevant portions from it. No. 1 "it was further decided that an all party meeting would be convened in Srinagar in June, 2000 to discuss recommendations of the report". No.2 "The Cabinet endorsed the recommendations contained in the report of the State Autonomy Committee. It was further decided that a special discussion on the report would be convened in the legislative Assembly during its next Session". Now what were the factors that necessitated you to bring it here at this stage when it was already decided to take it up for a threadbare discussion in the next session? So I think we have got ample time at our disposal to discuss it thoroughly along with the amendments projected by Shafi Sahib , Bawan Sahib and myself in this connection. Why you should not withdraw it till the next session? Now, when you have already initiated a discussion on it, why can't we meet here continuously for four days from 10th April to conclude the debate? You must take it seriously and give us opportunity to express our views and sentiments. Thanks.

Mr.Speaker:- Shri Abdul Rehman Veeri !

Shri Abdul Rehman Veeri :- Sir, the present motion on State Autonomy Committee Report deals with an issue of vital importance. First of all, I would like to speak on the present situation of the

State which, prior to discussing autonomy issue; demands a political reconciliation and dialogue with all those parties and forces who are not present here and who have presently waged a separate movement in the State. There should not be the monopoly of a particular party in this matter but the people of different schools of thought should also be taken into confidence as it is a problem of the entire State. We should also have a dialogue with those people who suffered imprisonments; I welcome the statement of Mr. .K. Advani showing his willingness to initiate a dialogue with all those elements including Hurriyat Conference leaders who were released from jail recently. I think, the report on the autonomy issue will not serve any purpose unless we seek opinion of the people of entire State on this issue. Instead of raising this autonomy issue at this stage, it would have been better had you been able to project it in the common minimum programme given by the National Front Government at the Centre but at that movement you remained silent over this issue, why ? At that time the National Front Government was very much sincere to do something good in the interests of our State but now you are talking of autonomy when you have got alienated from the people and have lost the representative character in the State. You have to be sincere about autonomy and we should get it at any cost as it is our historical need.

Hon'ble Speaker : Shri Dilawar Mir Sahaib !

.....(Interruptions).....

Shri P. . Handoo: Sir, just now Mr. Sadiq Ali has referred to the next session and read a sentence "Would be concerned in the legislative Assembly at its next session" There was no session at that time. This is that session.....

.....(Interruptions).....

Hon'ble Speaker: Shri Jagjiban ! Why are you interfering ?

.....(interruptions).....

Shri Dilawar Mir:- Sir, it is very unfortunate that the Hon'ble members are not serious when some important issues are being discussed in the House. We are not discussing an ordinary issue. This

Is an important topic, so all the Hon'ble members should seriously attend to it. We are not talking of any thing new but we are demanding what has been snatched from us. Not only National Conference but majority of the people of our State have all-along been demanding autonomy. Some of my colleagues say that this issue has been raised only because we have got alienated from the people. But I want to ask them what was their role after 1953 and what they have given to the people of this State ?

However, it is my humble submission to the Government that we should not work in a hasty manner. We cannot discuss the autonomy report in a single day. Mr. Handoo has just now informed the House that a Committee has been constituted for this purpose which will go to different places and also discuss it with the Central Government as well as leaders of various States. In this connection I would request that first of all it should be discussed in the Assembly thoroughly which cannot be done in a single day. It requires at least one week as it attaches great significance. After discussing it threadbare in the House, you can go with the sentiments of the people and Hon'ble members to various quarters and the Centre. You know in the valley alone there are cross sections of people. Some Hon'ble members has said that autonomy is not the baby of National Conference alone. It is a Good move that they have also supported the stand and endorsed the concept of autonomy put forth by National Conference sitting here in the front row that they should not take everybody for granted. They should keep it in mind that we have to live with our people and have to fulfill their aspirations. Unless we are not able to accomplish it we have no right to sit over here.

Thanking you Sir,

Shri Mohd Shafi Bhat: Sir on a point of information, the Cabinet has in its meeting, decided that 'it will be discussed in the next session'. When this meeting was held on 15th March and a decision for the 'next session' was taken then which will be the next one?" I just want a clarification for him on this technical point.

Hon'ble Speaker:- I will request all of you to give attention . You are an advocate, you should cast aspersions on each other. I have ordered to expunge all those words that have been used by the two sides. Now I am in full agreement with the sentiments of the Hon'ble

Members. It is a very very important document not for purpose of political encashment but what will be the future foundations of our relationship within the federal structure of India and it is a silver lining.; The Government of India has also constituted a Committee to review the entire functioning of constitution itself and in that framework a very serious and honourous duty is cast on you, will you please go to your seat Syed Sahib it is not proper. When we are in serious discussion you always move from place to place . Please take your seat . A duty is cast on you to be responsible and your conduct must be such which should be appreciated outside. What you do here? All those people who have left the House have a right to differ but the method of differing according to their style is not good. They should meet the argument with argument and not by shouting and leaving. This is, I suppose, your victory. They have left the field without arguing the matter. They must argue the matter. What message they will tell to the people of Jammu ? Is that all that they are raising hue and cry ? Is that all Jammu people want? They want this issue to be discussed; each and every issue to be discussed with cross arguments. Everybody has the right to speak but at the same time I would request the Hon'ble Minister for law that it is very important issue. This document needs patient and serious discussion and it should not be taken lightly, it should not be made an agenda for rushing through the business; that should not be the agenda, we must very coolly consider it and Hon'ble law Minister has already talked to me that they are not in hurry. They will give proper time; enough time for Hon'ble members to discuss and it has to be discussed at different levels outside the House also. But so far as the House is concerned, he has ensured me outside that we will not to through it in a hasty manner but it will be discussed and we are also meeting just now in the Business Advisory Committee after the session. So far as the argument raised by the Hon'ble Sadiq Ali is concerned as to why it has been brought before them? What is the bar in it, where is the bar that no motion can be brought before this House? Govt. or any Hon'ble member, can bring any motion before this House for discussion and it is the property of the House. It is already laid on the Table of the House. It is not new thing. It has been laid earlier in the last session. So It is your property. Now the Govt. has come with the motion that this House may discuss this issue. So I am fully in agreement with the sentiments expressed by Mr. Dilawar Mir, Mr. Shafi and others

that it needs proper discussion; calm and cool discussion. And I would request the members who belong to the Congress, BJP, BSP or any other group that as Mr. Veeri has participated though he may not agree; they must also speak and meet arguments with arguments and not with sentiments. They must not cry not leave the field or the House. This is no argument. So whatever has happened between Mr. Shafi and Mr. Law Minister, I request both of them that they will bear with me and allow this atmosphere to cool down for a serious discussion.

Shri Khalid Najib Suhaarwardhy: Sir, This morning when I went through today's list of business, I was surprised to find the autonomy issue enlisted in it, I could not make out any thing from it as to why the Hon'ble Law Minister brought this important issue in the House in such a hasty manner not having any comparison with the labour and toil put in by himself and the committee members in the preparation of this report.

Hon'ble Speaker:- Just a minute; the unparliamentarily words uttered in this House should be expunged.

Note:- The expressions made by Mr.Mohd.Shafi Bhat and Mr.P. .Handoo were expunged under the orders of the Chair.

Shir Khalid Najib Suharwardhy:- Sir, I want to submit that when he himself prepared the report and after obtaining Cabinet approval to it, presented it in the House, then why he is hesitating in coming forward with a piece of legislation and resolution in this regard? Perhaps he is not himself able to clear his doubts about it. What does he expect from the people? Let me clear it. Our sentiments and the aspirations of all the residents of this state have been reflected in the Autonomy Committee Report. Therefore, it attaches great significance like a political Bible for our party as well as the Government. It was already made clear that this report would be discussed threadbare in the next session but his reference to ongoing session as being the same next session means that they treat the public as well as the House as a flock of cattle. They have no regard of the sentiments of this House and the aspirations of lakhs of people whose future is connected with this report.

Sir, it will be a great injustice and utter disregard of the sentiments of our people if this motion is disposed off within an hour, not with the intention of adopting it but making a request to the Central Government through it. You should remember that the Centre as well as other States have to protect their own interests but we have to think in terms of our own needs, requirements and priorities which are quite different from them. What do you want to achieve from this report? What sort of relations you want to maintain with India? What is your opinion about those rights which they have snatched from us, it is very shame for us to move a motion on this report in such a manner and go rid of it very quickly when the session is at its last legs. This report reflecting.....our sentiments does not need anybody's approval. It carries our dreams which we want to come true and we have to put in collective efforts to make these dreams come true. Why should we make request for our rights to the Centre? We are committed to autonomy. It was our top priority in the election manifesto. By adopting delaying tactics you are not only deceiving yourself but also crores of people don't you realize the gravity of daily bloodshed and massacre taking place in our State? I want to make it clear to all of my friends that it is not only Pakistan but there are many more local agencies playing this havoc. It is either Hindu, Sikh, Muslim or Christian of our State who falls victim of this bloodshed in both sides and more so neither India nor Pakistan are sincere to us. My only submission is that the report should not be taken up for discussion in hurry but sufficient time should be fixed for it. Thanks

Hon'ble Speaker: Mr. Mohd Shafi Bhat!

Shri Mohd Shafi Bhat: Sir, as you are aware that when we were entering the Assembly lobby today, we were given this document which itself shows the seriousness of the concerned person on this issue. I can very well realize the hurdles and difficulties which our colleagues, involved with this report, had to face. Mr. Handoo is himself an expert in legislation and while giving serious thought to this report he should keep it in mind that our great leader Sheikh Mohd Abdullah had suffered imprisonment for about half a century and the person presiding over here and that sitting on his left have spent maximum period of the life in jails while as he has got this status without any sacrifice. So how can he realize the importance?

of autonomy.....Sir, there is a great contradiction in it, on one hand we were informed that it will be discussed here within half an hour and on the other hand they are going to hold discussions on this report in other States and the Union Capital. So, ultimately the bridle is in their hands. What is this going on, I am confused about it, Mr. Handoo has remained a Parliament member and he is fully aware of the parliamentary system. You are playing a hide and seek game with this report and this is unwarranted. This is a significant political issue and you must give serious thought to it. Some of my friends like Mr. Veeri is deriving undue advantage of the situation and exploiting us because the Government could not present it in a proper manner ignoring the seriousness of this issue. You should remember it that lives of our family members and other relatives are at stake. Our leader Shiekh Sahib has always advocated for Autonomy within the Union of India and how could you dare to make mockery of this noble cause. He should understand that he is now an old man and it is natural to get irritated at this stage but he should not burst his anger on we people. He may choose some other side to give vent to his rage. However, the report is a very serious and sensitive matter and we must give the recognition to the hard work and labour put in by the concerned members of the Committee who have reflected many significant aspects in it. India's affirmation to autonomy is a bargaining deal for her bat this stage and its negation will plunge her in a great danger and may lose control over Jammu and Kashmir State.

Hon'ble Speaker:- You will continue your speech in the next sitting but at this stage our time is up and we meet here again on Monday at 9.30 a.m.

Note:- The House then adjourned to meet again on Monday, the 10th of April, 2000 at 9.30 a.m.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY SECRETARIAT

(Relevant excerpts from the proceeding

Dated 10th April, 2000 (Second Sitting)

Regarding discussion on State

Autonomy Committee Report)

Hon'ble Speaker, Jenab A. A. Veeri presided over the sitting.

Hon'ble Speaker:- Now we will take up discussion on the State Autonomy Committee Report in respect of which Hon'ble Law Minister Shri P. . Handoo has moved a motion. Simultaneously, Mr. Sadiq Ali , Mr. Mohd. Shafi Bhat and Mr.G.M.Bawan have brought the following amendments on this motion and this will be also a part of the discussion:-

“This House resolves that the State Autonomy Committee Report placed on the Table of the House on 13-04-1999 be adopted and positive steps be taken for its speedy implements”.

Shri Mubarik Gul:- Sir, the amendments proposed by some Hon'ble member reflect the truth that our party has adopted a clear stand on the State Autonomy Committee Report . Restoration of Autonomy in the State has been the core item of our election manifesto as a result of which we got mandate of the people of Jammu and Kashmir in the elections. The recent statement given by the Union Home Minister showing his willingness to discuss even pre-1953 position of the State, has been largely hailed by the Hon'ble members. We have also requested the opposition members especially Jammu Ji to take part in the debate even if they may have different opinion and they should give up the practice of walk-out. The members of the Sub-Committee after discussing it thoroughly submitted the report to the Cabinet in a comprehensive manner and the Cabinet was pleased to accord its approval for which the Government deserves every praise. It is, therefore, obvious that the Government is very much serious about the restoration of autonomy in the State. The Government has also made its intention very clear that a special session and an all parties meeting would be convened in this regard at Srinagar . But at this stage the report must not meet the same fate as happened with Bill No. 9 which was referred to the Union

Government and is still pending in the Supreme Court. You must remember it that the people have reposed their full confidence in us and returned us to power with absolute majority by virtue of which we are now in a solid position to alter anything, we may like. But we must make it sure that we may not face any difficulty tomorrow because only after two years we have to face the people again. So we must not lose this precious time in holding the meetings of Union and State teams on this issue. I do not want to go into merits and demerits of the autonomy at this stage unless the view points of the Government about holding detailed discussion is not known and I am sure, it will give us plenty of time to discuss the report in detail. We have full confidence in our leadership and our party that the commitment made to the people will be fulfilled and autonomy restored at any cost. There is no difference of opinion but at the same time the opposition has also the right to express their views which we will listen very patiently. We do not want to make the issue a bone of contention, otherwise we could have adopted it within no time. We have discussed it with opposition leaders and are going to discuss it with Centre also. Today some Hon'ble members of the State made a mention of Ladakh Hill Development Council on the behest of our absolute majority but we did not. Instead, we gave due weightage to the sentiments of people of Ladakh. It is an admitted fact that the gun is not solution to any problem but you have to restore the erstwhile political position of the State through autonomy and I would request the Central Government that they need not to harbour apprehensions from it because we are also Indians. There is nothing to be worried about but in order to cherish the aspirations of our people and to bridge the gap of alienation between the Centre and the State, restoration of autonomy is an essential political need of the hour in which respect and dignity of the whole country is inherent and the Union Government should also show due regard for the expression "Sky is the limit" made by the erstwhile prime Minister Mr. Devi Goda and Mr Narsimha Rao while commenting on autonomy issue in the recent past.

Instead of debating the issue at present, we would first like to know the view point of the Government as to whether it is going to convene a special session for this purpose and when? We should also be assured that our main purpose may not get defeated during the course

of dialogue between the Union and the State Committee constituted in this connection. The Union Government should not take us for granted. They should keep their words and help us in restoration of autonomy in the State.

Thank you Sir,

Shri Shiv Charan Gupta:- Sir, let me know whether the discussion has been initiated right from today and how long it will go?

Hon'ble Speaker:- Presently it is going on and you will also get your turn. After on we will see what will happen?

Shri Shiv Charan Gupta:- It means the discussion will be concluded today (interruptions).

Shri Tara Chand:- Sir, it is a significant issue. (Interruptions).

Hon'ble Speaker:- I do not understand what do you say? Everybody is on his legs and nothing is audible in this uproar. You must speak one by one, so that the Government and myself could make anything out of it.

Shri Shiv Charan Gupta:- Sir, kindly fix the time for discussion.

Hon'ble Speaker:- you can say this thing turn by turn. In spite of it when all of you keep standing, it means you are making pretext for walk-out.

Shri Harsh Dev Singh:- Sir, while inviting your attention towards this sensitive issue I would request the Chief Minister that this House has taken a unanimous view of holding a threadbare discussion for at least three to four days as it is very difficult to deal with the chapter in depth at this stage, so it will be better if you will fix four days.

Dr. Farooq Abdullah (Chief Minister):- Sir, I think it is very essential, I have repeatedly told you that this report has been presented before the House with the intention that you will go through it and express your views accordingly. After that we will discuss the issue with the Union Government where viewpoints of both the sides will be highlighted and a consensus evolved in the interests of the country as well as our State. We are not going to take any such measures as would weaken the Centre state relationship. I am of the opinion

that it would be better if the House agrees to assemble again for one week in the pleasant month of June at Srinagar and during the course you will get plenty of time to make your points for the discussion which will remain confined to autonomy issue only. I will request the Law Minister to have consultations with the Hon'ble Speaker so that the date for convening a week long session for discussion is fixed in the month of June at Srinagar.

Shri Haresh Dev Singh: So this session should not be prorogued. If the House is adjourned for the time being, your honour can convene it once again. In cases of prorogation, it is to be summoned by the Governor, so you may adjourn it for one month.

Hon'ble Chief Minister: If the House agrees, we will fix the date today for this session. That would be much better.

Hon'ble Speaker: I will also consult the Law Minister in this connection (Interruptions).

Hon'ble Chief Minister: Sir, if you agree we will assemble at Srinagar on 19th June, 2000 which is a Monday and we will continue for a week to discuss the entire report. Here I would like to add one thing more that while running the Govt. affairs there is possibility of some lapses on our part because we are simply human beings and to err is human. The report is lying with you and I hope you will study it thoroughly and point out the lapses wherever you will find study it thoroughly and point out the lapses wherever you will find Treasury benches to prepare yourself for a detail discussion on this Autonomy Committee Report, as well as autonomy issue because it is very necessary to highlight the lapses. Every body will get an opportunity to express his views in that session and if at any stage extension would be required, that would also be granted. But we must take up the discussion in a cordial atmosphere and extend cooperation to each other in order to salvage the state from the present turmoil. We can very well anticipate the views of BJP on this issue but we will have to exercise our restraint and show due regard for their sentiments. I hope other opposition parties like Congress, PDP etc. will also come forward with their opinions. At the same time I will also ask my own party members to study this report first and then make your specific comments on it. You must not indulge in unnecessary

discussions. It will be also our earnest endeavour to publicize these deliberations through T.V telecast so that common people will also come to know about our views on this report. We will have to work in a peaceful atmosphere. There is no question of making it an issue of confrontation under that pretext they may raise voice for abolition of Article 370. Although they cannot do so but democracy has given them the right to raise their voice----(interruptions) -----My dear, you are mistaken. It is not their Government. It is a coalition Government and they cannot abolish Article 370. I request them to come forward with their support as we need your maximum help to get rid of this situation. Let them participate in the discussion.

However, you must know that the Parliament session begins on 17th and after its commencement we will visit there any day to discuss our difficulties with both the Treasury benches as well as Opposition. We will apprise them of the critical situation we are passing through at this stage. Hon'ble Speaker will lead this delegation. He will have negotiations with Mr. Balyogi Ji and we will talk to other leaders to find out any solution to this problem ----- (Interruption) -----

Honestly speaking, I became too much glad that the opposition as well as my own party members has raised their voice against the lapses, if any, committed on our part. Our Ministers should not feel annoyed when they face criticism from any corner. We should see how to rectify these omissions. (Interruption) ----I am again looking for your side when you will point out the omissions, if any, existing in the report. I will listen your criticism with great endurance. But every body should desist from using abusive language and unparliamentary words. It is against the decorum of the House. You know presently we are passing through a very difficult period. It is a sacred war between the right and the wrong and I am afraid of whether India, its secular character, its boundaries will keep surviving in this battle which we are fighting at present. You are the crown of India and it becomes obligatory upon you to show great regard for the dignity of this House and reveal the hardships of your people to make them realize that you are their sincere representatives----

I want to make it clear that I have released Hurriyat Conference leaders with the intention that this step should help normalization of the situation, other-wise I am not afraid of their masters or any body else who were making hue and cry for their release and opening of

dialogue with them. But you should remember it that, if and, when India would declare that this State is a disputed territory, I will be the first man to resign from this seat because I will never tolerate that Kashmir should detach from India I have released them sincerely so that they will come to cold region from hot zones and think with cool mind on the situation that we and our neighboring country is passing through presently. You must also keep it in mind that it is not only Farooq Abdullah but you too are on their hit list as they treat all of us as followers of India. I am never against the talks with any body but these should be within the purview of state as well as Indian Constitution. When the dispute could not be resolved during a half century period, how can we expect it now? God forbidding, if such a blunder is committed, who will be answerable to those innocent Muslims, Hindus and Sikhs who were assassinated such a decision will result in Bozinia type situation in our Country. For God's sake forget about this thing you should first examine our inner conscience and then make your doubts clear about we people. Why don't you realize for whom we are giving sacrifices and whose boundaries we are safeguarding? God knows every thing, we have not executed any agreement with the Hurriyat leaders and we are going to release others also. I have not yielded before them but want to make them realize what is happening and how the innocent people are being killed? These things can be checked only through dialogue. You can't oust Farooq Abdullah till the elections for which you will have to wait for 2 ½ years more, it will be decided then where you stand and where we stand? I am not scared of your comments, have great tolerance and patience but I will never tolerate anything which goes against the country.----

Sh. Mohd. Syed Akboon: Sir, since you have appreciated the step of Central Government for releasing the Hurriyat leaders---(interruption)----- whether you have any proposal to withdraw the security which has been provided to them by the Government as they are making anti Govt. and antinational propaganda everywhere?

Dr. Farooq Abdullah (Chief Minister) : Sir, it is our duty to provide them security (interruptions) it will be a black stigma on the face of Dr. Farooq Abdullah and the country itself if, God forbids, any Hurriyat leader gets assassinated in absence of our security ----interruption--- Please listen to me. As a Chief Minister it is my duty to give them protection and nobody will spare me if there

Is any negligence on my part. I can only pray to God to bless them with common sense and show them right path so that this state is relieved from the present crisis. You should also pray for it. Thank you very much.

Mr. speaker : Hon'ble members, I am very thankful to all of you and the leader of the House for having expressed your views on this session. As a speaker, I consider myself as a trustee of your rights and that trust has to be discharged-----

Believe me that I am greatly shocked if anybody carefully or carelessly tries to divide the humanity on religious basis. Now days we are passing through great trouble. Some forces are bent upon to undermine our political ideals.....

At this stage all of us have to realize our responsibilities towards our State and awaken our conscience and political ideals for the love of this soil. I am not preaching anything to you as there are many qualified and experienced persons than me.....

We must remain cautious of the ill designs of such elements who try to disturb this system and they are never sincere to the people. We are sitting here after a gap of more than 10 years of turmoil during which we have witnessed large scale disturbances and destruction. Every sphere of life got upset and nothing remained in its original position. The pillars of a cultured society i. e. rule of law, supremacy of courts, human values and relations, modesty and respect for others, all these things got ruined and doubts crept deep in our minds. Now in this vicious atmosphere it became obligatory upon you to play a constructive role to bring out the people from all this mess and remove the doubts in their minds. You have to bring all the regions and the people of different faiths together so as to defeat the ill designs of our enemy.....

This session is not being concluded sine die in a traditional way but we are adjourning it to meet again at Srinagar on 19th June, 2000. There is no need of any further notification or proclamation in this regard. I do not want to give you any lesson on the important document which would be taken up for discussion in that session but one thing I would like to remind you that you have to take an important decision on the autonomy issue which needs your serious thought, discussion and mutual consultation particularly in the

background that the Union Government has already constituted a Constitution review Committee at the Center. During these deliberations you are under the obligation to have a realistic approach and not to allow your sentiments to prevail upon your judgment while evolving a new concept of holding the people of different regions, religions and languages united together.

It is not the question of Hindus and Muslims or Sikhs and Buddhists, it is a question of whole state. So it depends upon you as to what dimension you want to give to your political career and what status you want to enjoy in the Indian Union. Above all you have to see how you can secure the precious sacrifices given by your ancestors for their achievements in the spheres of politics, legislation and constitution. So this is not any religious issue and every body must express his views courageously so that the people who have reposed their confidence in us may realize that their representatives in this House are, indeed, competent to discharge their responsibilities with dedication and honesty I am also grateful to all the Ministers that despite great difficulties, they did their job courageously. In a democratic system this mechanism is the best process to make the State administration more strong, effective and accountable before this Institution. Despite some problem and compulsions they extended their co-operation but they have to face these things bravely and wherever there would be lapses in the administrative set up, it is their duty to rectify these things

astly, I am grateful to all of you and we will meet again on 19th of June 2000 at 9.30 a. m. at Srinagar. Thank you very much.

Note: - at this stage the House then adjourned to meet again on 19th of June 2000 at 9.30 a. m. in the assembly Hall, Srinagar.

(22)

Jammu and Kashmir Legislative Assembly Secretariat

(Official Report)

Tuesday, 20th of June 2000

The House met in the Assembly Hall, Srinagar

at 9.30 a. m.

Hon'ble Speaker, Mr. Abdul Ahad Vakil

Presided over the sitting

Mr. Speaker: we will start our today's business with the discussion

-----interruptions-----

Sh. Shiv Charan Gupta : Hon'ble Speaker Sahib, today we are going to discuss the internal Autonomy Report in the House, but in my opinion first of all we should discuss the problem of militancy and try to find out the ways and means for fighting it. It is annoying that the Govt. is silent over this matter even the House has not been taken into confidence in this regard. The issue regarding autonomy has been brought here just to divert the attention of the people, I would like to know the steps taken by the Government to curb the militancy, in the State.

-----Interruptions -----

Hon'ble Speaker : ala Ji, please resume your seat. If you have got some confidence in your leader let you have your seat I have listened-----interruptions----
Shafi Sahib please be seated. Do not assume powers of speaker, if they want to go
.....

Note: - At this stage the members of BJP Sh. Shiv Charan Gupta , Sh. Bali Bhagat, Shri Prithivi Chand, Shri Chuni al, Shri Hans Raj Dogra, Shri Ashok Khajuria, staged a walk-out.

Mr. Speaker: Hon'ble members, please maintain decorum. Do not join them. They are at liberty, they can go, Mr. Mubarik Gul do not join them and do not make it an orchestra.....(interruptions)..... Hon'ble members, Kuchey Sahib everybody is at liberty to go out or to come in, to boycott or to join, please do not join any body in orchestra.

Maintain the decorum. We are going to discuss an important document, so please be serious and do not join them. Now we will start the business. The motion moved by the Law and Parliamentary Affairs Minister on 8th April, 2000 in the House regarding Autonomy Committee Report along with the amendment motion moved by Shri Sadiq Ali, Shri Mohd. Shafi Bhat and Shri G.M Bawan will be discussed in the House. Both motion as well as the amendment...interruptions) Mr. Bal Singh Ji, please be seated and do not talk. It is not proper. Don't you know the rules? I am reading and you should maintain the decorum of the House. You have no manners; you do not know the rules. Let you learn the manners of the House, please go.

Note – At this stage Shri Balbir Singh, Choudhary Bal Singh, Ashok Sharma and Tara Chand staged a walk-out.

Hon'ble Speaker : presently Sheikh Abdul Rehman, Shri G.M. Bawan, Shri Sadiq Ali, Shri Mohd, Dilawar Mir, Shri Khalid Najib Soharwardhy, Shri Mubarik Gul, Shri Shiv Charan Gupta and Shri Harsh Dev Singh have expressed their viewpoint on the said motion.

Now let us start the discussion. Kh. Ghulam Mohi-ud-Din Shah, Hon'ble Minister for Housing will initiate the discussion.

Shri Gh. Mohi-ud-din shah, Minister I/C Housing & Urban Development : Hon'ble speaker Sahib and the Hon'ble members we are going to discuss an important historical resolution for the first time in this House through your good self. So far as the constitutional and political movement of the J&K State during Maharaja's regime is concerned, I will try to throw some light on it according to my knowledge. If I lack to express my viewpoint in a proper way even then you should take into account the words I express here on the issue. Some of our colleagues have just now stated here that special attention should be paid towards the eradication of militancy. Mr. Shiv Charan Ji has said that we should find out the solution of this menace and see how it can be curbed. Instead of that you have presented the Autonomy report in this House. But I would like to inform Mr. Shiv Charan Ji that we are not presenting it in the House now but it had been presented here already. We are going to make further discussion on the said resolution. Basically if we would have

strengthened the very constitutional relation with India as was established after the accession then there was no need to present this resolution in this House. We have got such an opportunity in the history and it is our responsibility to perform our duties honestly.

Alama Iqbal has rightly said : -

مانند شمشیر ہے وہ قوم دست قضا میں
جو ہر زمان کرتی ہے اپنے عمل کا حساب

We have got an opportunity which we should not loose. I belong to National Conference a big Party which has vast circle of thinking and does not believe in regionalism, caste and creed but has always fought against such bad evils. Our State was granted a special entity under State's constitution and we had a separate executive authority in 1947. I do not remember the section under which it was granted perhaps it was section 3 or 5 of the Constitution. We are thinking in terms of J&K state as it existed during Mhaarakj's regime. It is not proper to raise the issues on regional level of Jammu, Kashmir and adakh. Our Party has a broad vision and we want to carry the State forward and maintain the integrity of all the three regions of the State. Today one region cannot dominate the other and if we have to achieve the path of progress then we have to create such an atmosphere so that all the three regions may march towards the path of progress. Separately Jammu cannot make any headway in this direction. Similarly Kashmir and adakh can also not make themselves progressive. We have to go through our past history as it was in 1946-47 and subsequently the situation in which we had to make accession; we are not demanding anything new. These facilities were existing in our State during Maharaja's regime. At that time NC Party fought against the autocratic rule of Maharaja. The amendments which we are seeking are not new, these were already existing at that time. J&K State had a separate Commander-in Chief of Army and in 1939 State forces under his command fought against Germans in Africa. Today we are not demanding that defence be returned to us as we believe in sovereignty and integrity of the Country. Basically we had an ideological affinity with the Indian National Congress because Congress had that time supported the movement of NC launched against Maharaja. As against this Muslim Conference and Muslim leaders of Jammu including Abbas Sahib opposed this movement. I admit that the Constitution promulgated

by Maharaja during 1939 lacked in establishing a democratic pattern of society. It is against this background that Jenab Sher-i-Kashmir launched a movement to get this constitution democratized. He demanded that we should now have a right of governance under the suzerainty of Maharaja Bahadur. This demand was made by NC at big gathering held at Sopore in September, 1944. I was at that time student of 7th class and accompanied Mr. G.M. Shah to witness this gathering,. The decisions taken at Sopore stipulated that we want a democratic Govt. under the guidance of the Maharaja Bahadur. Meanwhile a cabinet Mission comprising of Mr. Steferred Cripps and Mr. Alexender came to India during May, 1946 when Mr. Pathic awarance was the British Secy. of State. The NC submitted a memorandum to the Cabinet Mission in May, 1946 reiterating the demand for independence from autocracy. Besides Sheikh Sahib telegraphically informed the commission for restoration of our rights which stood marred due to Amritsar Treaty. The Cabinet Mission very clearly stated that two dominions will come into being in 1947 aiming to frame a democratic constitution for themselves till 1950 and during the intervening period of two years these two dominions will carry out their business----under the Act of 1935, we had 554 provinces at that time and their rulers and Maharaja's were given discretion to remain free or to join either of the dominions. The agreements between the British Govt. and the rulers of these provinces were known as Paramountcy Documents which authorized the British Govt. to control these provinces. Rest of the provinces was under the direct control of the Governor General. The Governor General would combine both the authorities. He would be Governor General as well as Viceroy and while dealing with a State he would act as Viceroy and while dealing with the rest of the India he would act as Union Governor General. As the Cabinet Mission took a stand that the Paramountcy no more remain in existence, therefore the rulers of the provinces have discretion to do whatever they like. Credit goes to Sardar Vallabh Patel for unionization of these States with India with the exception of two or three States namely; Junagarh and Hyderabad. There was smooth and peaceful integration of the States but there was a deadlock in so far as our State is concerned. Sheikh Sahib and his colleagues were in jails. The quit Kashmir Movement was in progress, the paramountcy of English suzerainty had come to an end at the backdrop of which the National Conference resolved that Maharaja should vacate and there is no need of his suzerainty now because Treaty of Amritsar is not intact now. It has expired and has

died its death. Therefore, we told the Cabinet Mission that all the authority of the Maharaja vests with the people of the State, they are the real sovereigns. The slogan of the NC was that sovereignty is the right of the people. But this slogan of ours is not same as it used to be. We have restricted this sovereignty to the extent that rights are available to us under the Constitution of India. Let me point out as General Secretary of NC that the new draft constitution presented by us depicted the shape of our future structure in respect of economic, political, judicial and social developments in our State. The NC gave an exemplary picture of the State in the shape of a comprehensive document known as "Naya Kashmir". This document became basic stand of the party. The NC has proposed creation of the post of an Advocate General, establishment of independent judiciary. Its own army under the command of the Maharaja. But the document known as Naya Kashmir was amended under my Chairmanship as General Secretary of the NC. This amendment was made consistent with a new scenario and minimized political spectrum. Our Maharaja and the rulers of the other State took a lesson and got enlightened with this stand of ours. This was a pointer to them that days of their authoritarian rule have expired with the uprising of people and end of the British Paramountcy. A movement was launched in our State during 1927 against the settlement of people of Punjab and other states in our State who deprived us from our land and State services. This was the period of Maharaja Pratap Singh. He promulgated an ordinance restricting the purchase of land and acquisition of citizenship rights in the State. By Punjabis or other Non-State Subjects. Another ordinance issued by him created a diarchy in the State. It was an undemocratic constitution envisaging constitution of Prajasabha. Majority of its members were advocates nominated by the Govt. the most undemocratic feature of this constitution was that the voter for electing the member to the Prajasabha should be educated upto 8th class having yearly income of Rs. 400/- it was a restricted type of democracy. Every person could not become a voter. The women had no right to vote. Notwithstanding he invited Wazir Ganga Ram a member of Prajasabha and Mirza Mohd. Afzal Beigh of NC for inclusion in his diarchy. This was an experiment of a new type of Government which could not last long as the Prime Minister Kak Sahib put all his hurdles in its day-to-day functioning, compelling NC to call back its member Beigh Sahib, from the diarchy. There was no right of dissent on the Floor of the House, which a member should enjoy to express his

differences..... ate Ram Chand Kak took a plea that we have not accepted that a minister in the diarchy should have a right to dissent on the Floor of the House but Sheikh Sahib did not accept this plea and asked Beigh Sahib to come back and with this the situation changed.

Sh. Shiv Charan Gupta : Instead, Ahmad yar was introduced.

Shri Ghulam Mohi-ud-Din Shah, Minister I/C Housing: Ahmad Yaar was betrayed, I am explaining facts over here. Our case is not weak to hide facts. The situation took a turn, two dominions, India and Pakistan came into being. Our State became a victim of tribal raid Sheikh Sahib was under detention. Asif Sli, Pandit Jawahar al Nehru and Gandhi Ji paid a visit to the State at that point of time. The Muslim Conference was at a discord with our movement. Jinah Sahib also came on the scene. Some slogans like to back were raised. This depicts the political awareness, the people had at that time, we had a freedom to the extent that we could express ourselves. The Maharaja thereafter released Sheikh Sahib and Sheikh Sahib constituted a Government under his leadership. The National Conference came again in the forefront with the change in situation. Sheikh Sahib stressed for restoration of peace and after that we should patiently and calmly think with which dominion should we accede and in which dominion our identity will remain secured. In other words we shall accede with the dominion where basic principles of our movement like secularism, democracy and socialism enshrined in Naya Kashmir receive a Philip. The Maharaja had already entered into a standstill agreement with Pakistan. Despite that, our all supply lines were blocked. Therefore no supplies could be made available. On the other hand tribal war was going on. The people came on the road with artificial guns I was a student of 8th class and resided at Chattabal at that time. R.C. Kak was residing at Kak sarai in Karan Nagar. I along with my five or six colleagues performed the duties of body guard of Mr. Kak with artificial guns after he was put under arrest in his own house. I have myself seen how Government had collapsed and the standstill

agreement executed with Pakistan failed. The purpose of my mention of acceding with India or Pakistan, failure of standstill agreement with Pakistan and execution of instrument of Accession of Maharaja Hari Singh with India is that we are not making any new demand we are rather putting forth the same ideals for the achievement of which we fought against Maharaja since 1938 to 1947 after the Muslim Conference was converted into

National Conference. It is Maharaja Hari Singh who made the accession of our State with India. The clauses 6 & 7 of the Instrument of Accession confined it with respect to the matters pertaining to Defence, foreign Affairs and Communication only. These clauses also provided that nothing in this instrument shall be deemed to commit him in any way to acceptance of any future Constitution of India and that terms of this instrument cannot be varied by his successors. The instrument contained some more big or minor items in regard to the accession.

The Constitution of India was not yet formulated but the Constituent Assembly of India was deliberating on the type of Constitution to be given to people of India. Dr. Rajendra Prasad was president of the Constituent Assembly of India. It took the Assembly two years to frame the Constitution. It was completed in November, 1949 and came into force from 26th January, 1950. India was declared a Republic. The head of the State was declared to be the President and not the King. The Draft Constitution, however, did not stipulate any complete relationship in relation to our State because the main features of relationship with India were already manifested by Maharaja in his Instrument of Accession executed with India with by Maharaja in his Instrument of accession exacted with India with respect to matter pertaining to three subjects viz. Defence, Foreign affairs and communications only. Notwithstanding some more constitutional requirements were contemplated. The Article 370 of the constitution of India originally appeared as Article 306 in the Draft Constitution of India which was clarified by Mr. Ayyenger in the Constituent Assembly of India. He further stated "I shall read".....interruptions.....This is history but just our members and yourself will also refresh memory and know what was the content of accession at that time and what were the shared values. Mr. Ayyenger had stated on 17th of December, 1949 that we have agreed that the will of the people through the Instrument of Constituent Assembly will determine the Constitution of the State, as well as sphere of Union jurisdiction over the State; you will remember that several of these clauses provide for concurrence of the Government of Jammu and Kashmir. These particularly relate to matters which are not mentioned in the Instrument of Accession and it is one of our commitments to the people and that no such additions shall be made except with the consent of the Constituent Assembly which may be called in the State for framing its Constitution. In other words we are committed that these additions are matters for determination of the Constituent Assembly of **the State**.

At the time of framing of the Constitution the entire Govt. of India held out an assurance in the House that constitutional provisions pertaining to anything or other matters will be made, should any requirement arise in this behalf. This is what came to be known as Article 370 after recasting Article 306 of the Draft Constitution of India. Article 306 envisaged that we will abide by the provisions made by the constituent Assembly of India, before Article 370 of Indian Constitution was adopted. It may be pointed out that there existed no constituent Assembly in the J&K State at that time. But the same came into being in 1951. Till then we were told that anything shall empower the dominion legislature of India to make any law for this State unless the same is approved by the Jammu and Kashmir Constituent Assembly. Article 370 of the constitution of India Shall apply to our State, subject to such exceptions and modifications as the President by order may specify but no such orders shall be issued except with the concurrence of the State Govt. Sheikh Sahib wanted to put to practice the ideals for which NC launched a movement in the State and wanted to have a Sadar-i-Riyasat as Head of the State acting on the advice of the Council of Ministers of the State. A basic principle committee was set up by the J&K Constituent Assembly under the Chairmanship of Sadiq Sahib. The Committee passed a resolution containing four recommendations for the consideration of the Constituent Assembly interruptions.....

The recommendations were as under:-

1. Termination of hereditary ruler ship in the State;
2. Head of the State will be a person designated as Sadar-e-Riyasat;
3. andlordism will be abolished; and
4. To define the shape of jurisdiction in the State in accordance with other parts of the Instrument of Accession. This is the structure that emerged after the Constitution of the J&K Constituent Assembly in 1951.

`Now, therefore, Sheikh Sahib in a letter to Jawahar lal Nehru informed him that after the termination of autocratic rule we are going to have a Sadar-e-Riyasat now because Hari Singh has left the State on 6th April, 1949 after appointing his son Karan Singh as the Regent

of the State. He did not like to stay here as a defeated man. Meanwhile Sheikh Sahib has taken the reigns of Govt. representing his party NC. An emergency was promulgated in the State, sheikh Sahib became the Head of the Govt. Maharaja issued a proclamation for convening of the assembly and appointment of regent of the State. This is why sheikh Sahib sought the advice of Nehru Ji as to what we should do in absence of father of Karan Singh who has abdicated in these circumstances we had no course but to appoint a Sadar-e-Riyasat for the State. In his reply to sheikh Sahib, Nehru Ji wrote interruptions unfortunately I do not find that letter. Anyway, I have found it which reads.

“My dear Sheikh Sahib, I have just received your letter of 29th of July about the Head of the State, I do not see how we can go through all the various processes about this matter. Before 16th of August, it is not perfectly clear from legal point of view. How far the present can issue notification under Article 370”

This is the confirmation of the statement made by Aynagar Sahib during the course of framing of the Constitution in the Constituent Assembly of India. Nehru Ji had himself stated in his letter that how far the president can issue notification under Article 370 several times. It would have been better to issue a single notification comprising all the matters at one go, otherwise, there is a possibility of arising legal complications and problems to quote :-

“In any event it would be desirable to include in one notification such present changes that we have decided to lay. To have repeated notification following one another in fairly quicker succession would be odd apart from the possible difficulty about their legality etc. By implication. Nehru Ji wanted that there should not be frequent amendments in the Constitution. The Parliament can remain in existence till world is there to justify frequent amendments in the constitution. The Constituent Assembly was to exist for two or three years which was framing the constitutional relationship between Kashmir and Dominion of India. The J&K Constituent Assembly was representative body till 1953 but it lost its representative character after its founder leaders who happened to be Minister as well, were arrested. Even then Constituent Assembly existed till 1954 to 1956 constitutionally. We were bound to accept whatever the Constituent Assembly enacted. As I have already said we do not want to harm

the sovereignty and integrity of the country. We want that we should come under the purview of mainstream of the political sphere of the country to strengthen our integration. But we can reinforce this relationship only after we avail the historical opportunity of rectifying the mistakes on the basis of the experiences we have made during past few years. I want to make it clear to the members belonging to opposition that these rumours are baseless that we want to dispense with the jurisdiction of the Supreme Court and that there will be a permit system for moving out or coming into the State. Let me point out that actually permit system was an administrative order regulating the arrival of visitors in our State. We won't repeat this system now. I would like to submit that right upto 1950 to 1952 those at the helm of affairs taking cognizance of the then prevailing circumstances, would almost accede to our demands but the present Government at the Centre has unfortunately adopted a rigid policy which is not conducive in the changed political scenario in the State. My submission is that the Centre Government should read the writing on the wall and exhibit the broad mindedness in accepting our resolution which envisages the restoration of the original position of the Constitution of the Jammu and Kashmir. I have an old copy of the Constitution of Jammu and Kashmir. I am afraid whether our Archives Department has maintained a copy of this Constitution or not. Any way this Constitution contained some provision about Sadar-i-Riyasat and his powers. We want to restore this position as well. The annexure to the report of the basic Principles Committee presented to the Constituent Assembly on 10th of June, 1952 contains that the Head of the State shall be designated as Sadar-i-Riyasat . He should have completed the age of 25 years before being elected to this post. He shall hold office during the pleasure of the president. The Head of the State shall be the person recognized by the President on the recommendation of the legislative Assembly of the State through election and that he shall take office with the permission and consent of the president. This report contained provisions for his emoluments and perks besides other formalities but you have changed all these provision at a stroke. The members belonging to the Congress will shift their responsibility of changing the constitutional provision by saying that the post of Sadar-i-Riyasat has been changed to the post of Governor besides..... Interruptions.....

Shri Harsh Dev Singh:- May I know towards which Constitution he is making his reference interruptions.....

Mr. Speaker:- Shah Sahib, please do not enter into arguments. Whatever you have to say, you address it to me. He is referring to the Constitution which was later amended and brought to the present level. This he is discussing/disclosing.

Shri Ghulam Mohi-ud-din Shah, Housing and Urban Development Minister: Read the relevant section.

Mr.Speaker:- There is only one constitution for your information. Only some amendments have been made in the original constitution.

Shri Ghulam Mohi-ud-din Shah, Housing and Urban Development

Minister: This is the original Constitution of our State (displaying a copy of the old Constitution) and the Congress people have made some amendments in it and distorted and changed the whole structure of our Constitution . I don't k now the reasons compelling them . They alone know it. Section 26 of the original Constitution reads as under:-

“The Head of the State shall be designated as Sadar-i-Riyasat . The executive powers of the State shall vest in Sadar-i-Riyasat and shall be exercised by him directly or through officers in accordance with this Constitution. Nothing in this section shall be deemed to transfer to Sadar-i-Riyasat any functions conferred by any existing law or any authority or prevent the State egislature from conferring by law functions on any authority subordinate to the Sadar-ii-Riyasat

Sadar-i-Riyasat shall be a person who shall be elected, recognized by the president provided he is a State Subject, not less than 25 years of age and has been elected Sadar-i-Riyasat by the J&K egislative assembly. This was our Constitution. It was distorted. Governor was imposed instead of Sadar-i-Riyasat. Some people are proposing N.C. that we should continue to designate the Head of the State . as Governor instead of redesign ting him as Sadar-i-Riyasat, but elect him through the Assembly besides keeping in view all other qualifications prescribed in the Constitution. So far as the execution of the instrument of Accession is concerned in this connection I would like to point out that I might have not quoted some of its clauses correctly. So I would request the Hon'ble aw and Parliamentary Affairs Minister to place details of the Instrument of Accession before the House and correct me wherever I have misquoted the facts. Our

accession with the Dominion of India was restricted to the provisions of Article 370.

There can be no amendment in this Article especially no one has any power to abrogate proviso 3rd of Article 370 of the Constitution of India, other than the president of India provided the State Constituent Assembly shall make a recommendation in this behalf, interestingly the State Constituent Assembly existed upto 1956-57 only. In other words from 1957 application of different Articles of Constitution of India is illegal in absence of the Constituent Assembly of the Jammu and Kashmir State. The Constitution Application orders had legality till the Constituent Assembly existed. During the existence of the State Constituent Assembly Nehru Ji had said that "I don't see.....it is perfectly clear from the legal point of view how far the President can issue notifications several times to effect changes in regard to applying different Articles of the Constitution of India to the J&K State. We have to do all this in one go. Ayanger Sahib and Dr. Rajinder parshad were of the same opinion". "The President pointed out the uniqueness as well as the incongruity of amending a Constitution by mere executive orders." In other words the President wanted to apply different Articles of the Constitution by amending the same through Parliament. What particular provision should be accepted and what particular provision be modified. I have stated this not for opening a Pandora Box. The fact is that the parliament can't go on enforcing or applying all the 395 Articles of Constitution of India to this State. This power could be exercised till the State Constituent Assembly was existing. I say its representative character existed till 1953 only. It lost that character after the detention of sheikh Sahib, Beigh Sahib and other Ministers. Notwithstanding the Constituent Assembly remained existent legally. This position was admitted by Ayanger Sahib himself during a speech in Constituent Assembly of India introducing a Bill replacing Article 306 by Article 370.

Nehru Ji's letter to Sheikh and opinion of the President Dr. Rajindra Parshad and contents of the instrument of Accession and speech of sheikh Sahib in the Constituent Assembly very well lays the provisions for application of provisions of the Constitution of India and otherwise the State Constituent assembly lost its life. With regard to legal position of.....interruptions.....what is in the jurisdiction we shall do legally? If at all they have to make some modifications and alterations it can be done with the help of the National Conference. It is the stand of the National Conference. et

You convince us for or otherwise of the autonomy or hold elections, particularly for drafting the Constitution. These are the facts of the case. I have placed before the House.....interruptions.....

Choudhary Chuni al: Mr. Speaker! We can't constitute the Constituent Assembly according to our sweet wish. However, the process of incorporating amendments is a continuous process.

Shri Ghulam Mohi-ud-Din shah, Housing & Urban Development Minister: I am grateful to you for getting me educated on the subject. You should remember that during the process of framing of Constitution India stood divided into two provinces, one province was under the jurisdiction of Governor General and the other province was ruled by 455 autocratic emperors under overall supervision of viceroy and these emperors are being presently represented in the Upper House and previously the Council of States is today being called as Assemblies. All the emperors who used to rule their respective States expressed their willingness for merger of their States before the then Home Minister Sardar Patel and did not want to frame their own Constitution. They expressed their desire that their rights should be protected within the Constitution of India. But credit goes to the State of J&K alone which did not join hands with other states and desired to have its own Constitution which was ultimately translated into practice and that too within a period of 45 days. Sir, I would like to refer page 98 of the book written by our Chief Justice Shri Adarsh Sen Anand that reads as under :-

“when the States entered the Constituent Assembly, it was envisaged that the State should have separate Constitution for their internal administration but it soon became clear that the idea of separate Constitution for each State was a legacy from the rulers polity, which could have no place in democratic set up. The Government of India conferred with the States and after detailed discussion it became obvious that the subjects of the States desired their Constitution to form a part of the India Constitution. It was decided that the Constitution of India should also contain with itself the Constitution of the States but it did not apply to our state and the Hon'ble Minister of the State explained that we have.....interruptions.....

That is not relevant interruptions.....

On June, 1949 the Yuvraj on the advice of Council of Ministers nominated four representatives to Indian Constituent Assembly unlike those from other States. Kashmir's representative made it clear that Kashmir's association with India would be based only on terms of instrument of Accession.

The power enjoyed by the States and the Central Government stood determined under the provision of Union list, concurrent list and State list. Our State had acceded to India under the instrument of Accession on three terms Defence, foreign Affairs and Communications. These three lists contained 97 schedules of which only 10 to 20 schedules were made applicable to the State during 1950 subsequent to the execution of Delhi Agreement in 1952 some more lists were applied but unfortunately there remain only 8 or 9 lists applied to the State which has made a mighty fall from the terms of the instrument of Accession and various clauses of Delhi Agreement. The central Government even went to the extent of scrapping the State list as well and reshaped it according to its choice. In support of my contention I would like to refer imposition of emergency in Punjab when the parliament had to amend the Constitution five times in order to make the provision of emergency applicable to that state. The constitutional obligations in respect of Article 358 and Article 356 regarding period of enactment viz 2 months, 6 months and one year were got fulfilled but contrary to that these procedural formalities in our case were totally neglected with the result the leftover powers of the State were also usurped. Our State has powers to frame laws in relation to all matters other than the matters falling under instrument of Accession (370).

We Jammu and Kashmir State enjoyed a distinct position of having our own Constitution. We enjoyed certain rights under the Constitution of India and the State Constitution. The Union list has 97 schedules of which 10 to 20 schedules were applied to the State under the Constitution Applicable Order of 1950. Some more schedules were applied to the State after the execution of Delhi Agreement. The obtaining position at present is that 94 schedules have been made applicable to the State out of total number of 97 schedules. Only schedule No. 8, 9 and 34 remain to be applied now, which deal with C.B.I preventive detention for reasons connected with Defence, Foreign Affairs or the Security of India. Persons subjected to such detention and Courts of Wards for the estates of rulers of India States. As far the appointment of the Governor is

Concerned, the provisions of Constitution of India have also been made applicable to the State through back-door. The autonomy enjoined upon us under the State list of Constitution of India has also been taken away from us. What a mighty fall? There remains nothing with us excepting to deal with certain petty matters. The State Constitution had its own Concurrent and State list which is now no more in vogue. We enjoyed a freedom under the State list to frame our own Constitution. You had to amend Constitution five six times while imposing emergency in Punjab but while dealing with our poor State a different yard stick was applied. By virtue of instrument of Accession, our State enjoyed certain residuary powers under which we could make laws on every subject other than the fields surrendered to the Centre under the instrument of Accession or Article 370 of Indian Constitution. Here I may refer to the ruling of Adarash Send which empowered Maharaja to make laws on such matters as well which were otherwise conceded to Dominion of India. Although the ruling is having its own importance yet I will not go into its details. I repeat that the Centre should keep it in mind that they can not take Kashmiries as far-granted as this thinking on the part of the Central Government will ultimately prove detrimental for its national Security. Our State which had certain residuary powers under Article 248,249,250 were later on deprived of framing laws under these articles which otherwise we could have done under the provisions of these articles. Article 249 of Constitution of India reads as under:

“if the Council of States had declared by resolution supported by not less than two-third of the members present and voting that it is necessary or expedient in the national interest that parliament should make laws with respect to any matter enumerated in the State list specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force”.

Article 249 was got applied by the Governor Mr. Jagmohan in 1986 in a way all the residuary powers enjoyed by us under Article 370 were got buried because the application of Article 249 enforced Concurrent list of the Constitution of India, in our State in toto. There are 47 schedules in the concurrent list of Constitution of India of which 26 have been applied to the State and remaining 21

Schedules deal with framing of Social legislations for granting aid to widows and disabled persons. In that case also the Central law will prevail in case the State law is repugnant to it. We have nothing to legislate as such. Therefore, the apprehension of opposition that something wrong is happening is totally baseless. I have already said that we want India to have smooth relations with us so that we are able to further strengthen our relations with it. For this purpose restoration of Constitution applicable in the J&K State from 1947 to 1965 is essential. This system remained in force for 18 years in our State why this system is inoperative now. We had a Sadar-I-Riyasat who worked under the pleasure of the president. We had an election authority of our own. We had Prime Minister instead of Chief Minister. Heavens will not fall if this system of governance is restored in the State. Your contention is that powers of Financial Commission, Planning Commission and Northern Zones will get relegated with the restoration of original position of Jammu and Kashmir State Constitution.

You can't imagine of doing anything wrong in face of other stringent laws in force in our State. We want to maintain our identity and do not like to commit reason against our nation by not committing to the ideals on which our movement was based we want to translate them into practice. Naya Kashmir is our ideal which we want to put into practice for the development of the State. This is what we want to do with the restoration of the Autonomy.....interruptions....so far as the preparation of the report the State autonomy is concerned in this connection we did not lose right of the clauses of instrument of Accession, Delhi Agreement, terms of reference of the Autonomy Committee and subsidiary relations upto 1952. We could not deviate from the position as obtained in 1953. There is no difference in the terms of reference of the Autonomy Committee, so far as Delhi Agreement is concerned. Let me recall that the Delhi Agreement was done before the terms of reference of the Autonomy Committee were drawn. I may also point out that Jawahar Lal Nehru held a press conference and made a statement in 1952 while as Sheikh Sahib delivered a speech in J&K Constituent Assembly on the lines of the press Conference and the statement made by the Nehru Ji in Rajya Sabha and the clauses of the Delhi Agreement. Strictly speaking that the speech was within their contents. The Delhi Agreement provided that under the present Constitution the residuary powers vested with the Centre in respect of all States other than Jammu and Kashmir. In

case of our State they vested in the State itself and should have continued as such. Sheikh Sahib had observed that we have always held the ultimate source of sovereignty resides in the people. It is therefore from the people that all powers can flow. Under these circumstances it is upto the people of Kashmir that too through this Assembly to transfer more powers for mutual advantage to the custody of the Union ,Centre and not beyond that.

“in regard to citizenship it was agreed that in accordance with Article 5,6 and 7 of the Indian Constitution persons who have their domicile in the Jammu and Kashmir State shall be the citizens of India. It was further agreed that the State legislature shall have the powers to define and regulate the rights and privileges of a permanent resident of the State. More especially in regard to acquisition of immovable property, appointment to services and like matters. Till then the existing State law would apply. It was also agreed that special provisions for the return of those permanent residents of Jammu and Kashmir State, who went to Pakistan due to the disturbances of 1947 or in fear of them as well as of those who have left for Pakistan earlier but could not return. If they returned, they should be entitled to the rights and privileges and obligations of citizenship”.

Sofar as the fundamental rights are concerned, we have had no difference of opinion in regard to application of these rights in our State to the extent that we are not going to pay compensation to the landlords from whom we are going to, acquire lands for the tillers. This is because we don't want the landlords to go to the Supreme Court or other forums for claiming the compensation.

So far as the jurisdiction of Supreme Court is concerned, it was agreed that Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the Supreme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State. In spite of this, there is a malicious propaganda against us that we are going to do away with the jurisdiction of the Supreme Court in relation to our State. You go through the State Autonomy Report; you will find that we have invited a discussion on the issue of the jurisdiction of the Supreme Court. Notwithstanding we wanted an independent judiciary in our State. The relevant section of

Constitution of J&K provided provisions for governing salaries, transfers and appointments of Judges. The Constitution also lay down the procedure of impeachment of Judges for reasons of incapacity or dereliction of duty. Sadar-i-Riyasat could remove a Judge after obtaining permission from the president but we provided a procedure for impeachment of a Judge for reasons of incapacity or dereliction of duties on the analogy of the Constitution of India a Judge of the Supreme Court can be impeached under one Article of the Constitution of India by the 2/3 majority of the parliament and even a Judge of the High Court can also be impeached under another Article of the Constitution of India. The constitutional procedure for impeaching a Judge of High Court has also been made applicable to J&K State. The relevant section of the State Constitution governing the impeachment of High Court Judge has been omitted. In this way our autonomy in respect of Judiciary has also been taken away from us. The Govt. of India also wanted to abolish Judicial Advisory Board in the State and vesting its jurisdiction in the Supreme Court of India Article 124 read with Article 218 of the Constitution of India was also applicable to the State with the exception that every such transfer of a Judge of the High Court of Jammu and Kashmir or to that High Court shall be made after consultation with the Governor. The State Govt. had felt that this would need a detailed examination and consequently it was agreed, but this provision of Delhi Agreement of 1952 was also violated.

Similarly, it was admitted that the fundamental rights contained in the Constitution of India could not be enforced in the State in their entirety in view of economic, social and political character of our movement. As such the need for providing suitable modifications, amendments and exceptions, as the case may be, in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted." In regard to the National Flag it was agreed that:---

"For historical and other reasons connected with the freedom struggle in the /state, the need for the continuance of the State Flag was recognized. It was agreed that the Union Flag to which all owed allegiance as part of the union, will occupy supremely distinctive place in the State."

We also conceded the powers to the President of India to grant, reprieve and commute death sentences etc. under the Delhi Agreement

of 1952. As regards the Headship of the State, it was agreed that it should remain with the Sadar-i-Riyasat. In regard to financial integration it was recognized that while it would be necessary to evolve some sort of financial arrangement between the State and the Union, in view of the far-reaching consequences involved therein, it was agreed that a detailed examination of the subject would be necessary before doing that."

About the Emergency Powers it was stated on behalf of the Govt. of India that Article 352 of the Constitution was necessary as it related to vital matters affecting the security of the State. The Government of India did not press for application of Article 356 or even 360. Item 1 in the seventh schedule relating to defense of India applied and the Government of India would have full authority to take any steps in connection with defense etc. The State representatives indicated that they were averse to internal disturbance being referred to in this connection as even petty internal disorder might be considered sufficient for application of Article 352. It was therefore decided that Article 352 might be accepted at the request or with the consent of the State Assembly or the State Government. If we will fulfill the procedural formalities still it will be subject to the endorsement of the State Assembly. President will issue such orders till application to the State of Jammu and Kashmir which will first correspond to the items specified in the Instrument of /accession or which are declared by the President to correspond either with those which are enumerated in the instrument of Accession or which are declared by the President to correspond to the matters of the Instrument of Accession. The orders of the year 1950 and 1952 were followed by the arrest of Sheikh Sahib along with his colleagues in August, 1953. I would not like to go into the tragic and pathetic part of the story of overthrowing a legal and constitutional Government. However, I would confine myself to the massacre of constitutional provisions as applicable in relation to J&K State at that time by virtue of Instrument of Accession and Delhi Agreement of 1950 and 1952. A new committee was constituted about the basic principles of the Constitution which recommended abolition of hereditary character of the post of Sadar-i-Riyasat. National Conference was the off shoot of Muslim Conference and this party enjoyed the support of the majority community and had we availed the option of going with Pakistan on the basis of religion we could have easily done so but we decided to be the part of the greatest

democracy of the sub-continent.....Interruptions.....
 Our relations with India are subject to principles of democracy and secularism and way back in 1947 while acceding to India we had rejected the two Nation theory. Today we are being labeled as Pakistanies. I strongly refute these allegations

.....Interruptions.....

Mr. Speaker: (Addressing to Hans Raj Dogra Ji)

Please don't interfere and wait for your turn.

Sheri Gh. Mohi-ud-Din Shah: Sir in pursuance of the order of 1954 almost all the central laws of their choice were made applicable to the State barring a few of insignificant nature. Here I will refer to Articles 248 and 249 which were not applied in 1954. These articles were made applicable to the State in 1986 when the State was under the President's rule as such the application of these Articles is a nullity because it was abundantly made clear under Article 254 of the Constitution of India made applicable to the State in 1954 that and law made applicable to the State repugnant to any law of the Parliament will be repugnant in respect to the H&K State. Article 256 of the Indian Constitution was applied to the State by an order issued in 1990 while amending the Constitution Application Order of 1954. The application of Article 256 envisaged that State shall exercise its executive powers to facilitate the Centre to discharge its obligations. Article 324 was already applicable to the State. This Article is related to the election of Parliament, election of offices of President and the Vice-President of India. Elections to the legislature in the State were held under Section 138 of the State Constitution. Therefore, we agreed that Article 324 should continue to apply in the manner and the way it was applicable in 1950 and 1954 order. Unfortunately the scheme of things was altered by Central Government by extending to the State the jurisdiction of Election Commission of India in all the election processes of the State excepting framing of the electoral rolls. In short superintendence, direction and control of local elections vests with the Central Election Commission. The powers of the Sadar-i-Riyasat for appointment of the Election Commission of the State were also snatched.

So far as the Emergency powers are concerned, it was stated on behalf of the Government of India that application of Article 352 of the Constitution to the State was necessary as it related to vital matters dealing with the internal security of the State.

The Government of India did not press for application of Article 356 or even Article 360. But the same will be done at the request or with the concurrence of the government of the State. To allay the fears that pretty internal disorder may not be considered sufficient for application of Article 352. Only 42 constitutional application orders were made from 1950 to 1954 leaving only 7 or 8 entries to be made applicable to the State from the Concurrent list. Even the Prevention of Detention Act, Court of Wards Act and Art.367 relating to references were also applied to the State in 1994. Article 368 dealing with the amendment of the Constitution was also made applicable. Article 368 was also applicable to the State but in its application to the State of Jammu and Kashmir in clause 2 of this article it was provided that no such constitutional amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by the order of the President under clause 1 of 370. i.e. on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir. The Government of India has by an order No. 101 of 1975 added clause 5 in Article 360 under which the State legislature has been empowered to amend the Constitution in regard to the functioning of Office of Governor. Election Authority and Executive under these circumstances we could introduce a Constitution Amendment Bill before the House instead of the resolution under discussion in the House. But we have to seek the assent of the Bill from the President of India. We do not want any confrontation. We want to settle the issue through an amicable and cordial dialogue. We are ourselves responsible for reckless erosions of State Autonomy. The State Autonomy guaranteed under Article 370 of the Constitution of India was changed in its entirety under a well planned scheme with the result the State's jurisdiction over the matters as envisaged by the Instrument of Accession of October, 1947 and the Delhi Agreement of 1952 was gradually diminished and systematically transferred to the Union. Had it not been so the people of Kashmir would not have felt that why did they accede with India and handed over Kashmir to India. The sort of situation emerging in Kashmir at present was not envisaged by our fathers and founders of the Constitution in 1947, 1952, and 1953. They had not conceived that the basis of our relationship would be eroded.

Therefore, my submission to the members sitting in this House today is that heavens will not fall with the restoration of the original structure of the constitutional relationship with India which stands distorted and diminished at present. It will not

effect sovereignty territorial integrity and our relationship with India. It will help to create positive approach especially in militants. Otherwise the state politics seems a bit isolated from the mainstream. There are men of good understanding in the militants ranks as well they plead what India has given to us in return to what we gave to it and how did they treat us. In order to correct the prevailing situation in the state it is better to correct the distortions made in our Constitution and put a stop to it in future. This is an historical opportunity to do so. My humble submission is that we have to think in totality from the view point of the State of J&K irrespective of party affiliations but it is not also possible that one region should dominate the other region. The Autonomy Committee has in its report opined that we can achieve goal of prosperity through mutual love and amity instead of people of all the three regions working at cross purposes against each other. I could not make a mention of many more points due to paucity of time. I will touch them subject to availability of time.

Mr. Speaker: You will be accommodated next time.

Shri Gh Mohi-ud-din shah: Yes sir, I thank you.

Shri Ashok Kumar: sir, with the accession of the State with the dominion of India the People of Kashmir, Jammu and Ladakh became united to embrace or to enjoy democratic system of Government.

This created an opportunity for the State to march towards the road of prosperity. During his deliberation Shah Sahib tried to place before the House the history of Kashmir, in a perspective of which some facts were right or some of them were distorted Interruptions..... let me point out that the Kashmir Muslim, Kashmir Pandit, Dogras, Paharies, Gujjars and Ladakhis joined India after rejecting two nation theory. We have to follow this ideal otherwise we will be living in a chaos. I would Gujjar or Ladakhi people are in favour of autonomy. Shah Sahib made a mention of episode of 1953. Sheikh Sahib was himself the prime Minister as such he was the Architect of the Constituent Assembly of the state. Sheikh Sahib himself executed the Delhi Agreement with the Government of India. In spite of this what made him to demand holding of plebiscite in the State. The situation arising

out of this slogan is before us notwithstanding resuming his power as Chief Minister in 1975. All the Speakers blamed Congress for erosion of the Autonomy of the State but Shah Sahib lost sight in 1960 till then it was the National conference which was holding the reigns of the Government I would like to remind you that there was a n Accord between Sheikh Sahib and Indira Gandhi the then Prime Minister of the India. Being in majority the Congress was in power in the State but in the larger national interest of the country or the nation we made place for Sheikh Sahib to rule in the State. Congress is not so narrowing minded as to hanker after the chair only. It has never been hungry o f power nor it will be so in future; Although Indra Ji was a symbol o f power nor will it be so in future. Although Indra Ji was symbol of power in the country and Sheikh Sahib was tallest leader of N.C. yet I do not mean to say that there is any personality

parallel to their stature. I am surprised why shah sahib did not make a mention of the Accord reached in between late sheikh Mohammad Abdullah and ate

Smt. Indra Gandhi. I am astonished, he has forgotten this story. A period of 21 years elapsed since N.C. assumed power again but it never came to make mention of Autonomy from 1975 to 1996 elections.

The people ask the need for raising this question after 21 years. A lot of blood has been shed during the last ten years. We are shedding tears for the last ten years for the situation obtaining in the state. Shah Sahib wants to change the shape of the State. We have tried to change the state of affairs by shedding a lot of blood and noting more. Your contention is that some militants are possessing a constructive thinking is not based on facts. A militant can not be a man of understanding. I would like to point out that N.C. has applied 37 Central laws in the State after getting them through in the egislature. You are responsible for the division of power. You cannot term it provisional powers. After 1975 accord Sheikh Sahib constituted a committee under the chairmanship of D.D. Thakur. Subsequently the committee submitted its report to sheikh Sahib. May I know what action was taken on that report. Today you want to work as the successors of sheikh Sahib after overlooking his principles and ideas. You want to create a new situation. You want restoration of constitutional position of 1953 but may I know expenditure of one day not to speak of paying salaries to our employees. We are dependent on Centre Government in respect of all financial burdens.

There has been mention of permits as well. It may be true or not but permit system will create difficulties for maintaining to and fro traffic. It would not look nice to demand money from the Centre Government after obtaining a permit from them. We want autonomy in respect of everything excepting defence, foreign affairs and communications. Do you want that there should be no check from A.G. You have diverted about 800 crores of rupees during 1997-98 as per C.A.G's report. You want to spend money without any accountability. Who will grant funds like this? So far as Election Commission is concerned you want to curtail its powers in the State. You will recall that 35%, 50% and 41% votes were poured in Srinagar, Anantnag and Baramullah respectively during 1996 elections. As against this 12%, 14% and 28% votes were in Srinagar, Anantnag and Baramullah during 1999 parliamentary elections.

This has been observed by the four observers of the Election Commission who were mobile voters. In a survey it has been said that National Conference got only 5% votes in the Parliamentary Elections. Let some body contradict it. Eighteen N.C. members of Assembly belong to Jammu province. They could ensure their position only in four constituencies. The position has undergone a change. You have to think afresh whether we enjoy the support of Kashmiri Pandits, Muslims, Hindus and Buddhists. We have to see what are the aspirations of the Kashmiris. Kashmiris do not like to have a Government constituted under the seal and signature of Mr. Deve Godhas. Kashmiris do not want a Government should come into power with only 5% votes in its favour and puppets of Delhi. They want free and fair elections here. I frankly speak that the confidence of people of Kashmir was shattered with the unfair elections of 1987

and 1996. This is thought provoking and panders ourselves. The Kashmiris are not in favour of bullets they want restoration of their confidence. Congress is in favour of devolution of powers. We must remember that Gandhi saw a ray of hope in Kashmir and he wanted self-governance in the State. The N.C. has been in power for last 25 years but there have been no panchayat elections during this period. As such the Panchayat do not enjoy any authority to solve the people's problems. The Chairmanship of District development Board has been entrusted to a Cabinet Minister now. In these circumstances it does not suit you a talk of devolution of power. The employees have been brought under the non-existent ESMO law to curb their genuine activities.

Force was used against them. Their demands were not conceded despite assurances in the Assembly in this behalf, corruption is rampant these days. There exists no Government worth the name. Let us take electricity. People are clamoring for it. There may be electricity available in the House but there is no such facility in rural areas. Transformer keeps out of order for six months. There is nobody to take care of them. People are suffering for want of portable drinking water despite investment of crores of rupees in this field. Government schools are non-functional for want of adequate teaching staff with the result our children remain deprived of education.

The militancy is on increase. There was no militant activity in Rajouri and Poonch upto 1996 we are not able to go there due to militancy. Who is responsible for this? We have to ponder about it. We have not been able to provide employment to unemployed. Only the favourites of the Ministers are able to get jobs, some ministers have employed 50-50 persons; some have employed thousands and some have been able to provide jobs to 500 persons. This is on records in the House and nobody can deny this fact. A needy youth has not been able to get a job. All this has shaken the confidence of the younger generation. So far as the farmers are concerned every hon'ble member pleaded for remitting the Agriculture loans but neither Centre Government nor the State Government has exempted their loans despite the assurance of the Prime Minister in this regard. We granted subsidy to those industrialists whose units do not stand registered but the agriculturists were not fortunate enough in this respect. The people are moving like living corpses because of our failure of not understanding promised developmental works. If you have capacity to listen I will say.....Interruptions..... The need of the hour was to solve the problems of the poor and curb militancy. I know that the people are getting killed these days. We were required to give healing touch to the poor. The people entitled for compassionate appointments under SRO 43 are tossed from pillar to post with the result problems faced by many widows and orphans remain unresolved. The payment of ex-gratia amount of the rupees one lac is not also made to the concerned people. I am sure that the dependents of our deceased colleague might have not received the benefit of a job provided under SRO 43. Shah Sahib! Let me tell you that common people have nothing to do with your making castles in the air. He needs both time and meals to save his skin. He also schooling for his children.

I have already made a mention of 1975 Accord. This accord is very specific that all powers in the Concurrent list can be reviewed after considering all the realities. But you have not taken into consideration..... (Interruptions)..... You do not want jurisdiction of Supreme Court or the Applications of the Article 226 of the Constitutions of the India . so far as the issue of human rights is concerned, in this connection, I would like to point out that if a person posts a post card to High Court or Supreme Court about the disappearance of his/her ward, the Supreme Court or the High Court in return issues a writ and holds a hearing in this behalf and an erring man is punished but you want to scrape our fundamental rights. I feel that we must close this chapter on which you want to have a debate here Interruptions You want to have autonomy. Let us Concede it but to whom? We are always clear on this issue that autonomy must be given to the people not to a group of persons to a political party having only 3% mandate in the State of J&K. You are not basically listening to me. Don't have a love for yourself. Keep it for the people. You should not make this autonomy a political stunt. It pinches me to note that on one hand my colleague oppose autonomy and on the other hand those sitting at Delhi, issue statement that they are ready to talk to Hurriyat and are ready to give anything for settling the issue. I agree with Shah Sahib for his disclosure that Mr. Khajuria is very close to him. Both of you are in power whether here or at Delhi. Don't join together to extract blood from human skeleton. The people of our State are already pathetic. The file can't move from one place to another in the administration for want of bribes. Everything is going against our expectations. Who is responsible for creating this situation? You will have to fix the responsibility yourself. Our identification of persons involved in the corruption before Ministers and Bureaucrat did not yield any results despite their numerous replies on the subject. Frankly speaking, you can't come out of the net of Article 370. You can do something only when your approach is based on sincerity. You are only playing with principles by raising slogans like East and West and North and South. I have no hesitation to admit that we have done whatever we could for the State.

I would therefore submit that it is very imperative that you should stop dividing people by raising like such slogans. It would have been better if Dr. Karan Singh would have been allowed to include

representatives of all parties and committees in the Autonomy Committee at the time of his appointment as Chairman of the Committee. There was no representation from Ladakh in this Committee. What is our argument in this behalf, for Ladakh and Jammu. Whether Mr. Surjit Singh Salathia also can represent entire Jammu region. This is an alarming situation. In the end I would like to submit that let us accept the autonomy for two minutes. In that case what will be functioning of our MP's there. Will their functioning be to have permits issued and jobs secured in defence departments? In this way you are going to damage the seniority of the Parliament. As a student of law I will like to inform Mr. Handoo Sahib that you are creating hurdles in the application of the Constitution of India. You are making mention of 1952 Constitution of J&K State when there existed no Constitution in the State in 1952. As far today we are citizens of India, citizens of Jammu & Kashmir but you are going to scrape the Constitution of J&K. You will lose the citizenship if provisions of Constitution of India are made non applicable in this regard. You will be governed by what in this behalf? It is a legal and constitutional flaw. You have not considered that it is going to damage us, irrespective being of Hindu, Muslim, Sikh, Buddhist, Christian, Jain and Parsi.

Hon'ble Speaker: I will give you five minutes more which your leader has given you.

Shri Ashok Kumar Sharma: My last sentence is that let us have good sense prevailed upon us. Let us think about poor, hungry, naked and unemployed people. Let us think about those who can't get any job accomplished without greasing the palm of corrupt. You seek the cooperation of the people of Jammu and Kashmir and mind it that their fundamental rights are not violated. They should be provided equal opportunities in developmental works when alone you will be able to give justice to the people of Jammu, Kashmir and Ladakh in its real sense. People will rise against you if you will fail to come to their expectations. This is very good sign this document needs serious consideration

from all sides. It can be done across the table and the discussion initiated by the Hon'ble Minister Mr. Gh. Mohi-ud-Din Shah and you have taken part in it.....

Shri Ashok Kumar Khajuria: Sir, I would like to read the view point of J&K Bhartiya Pradesh Janta Party through your goodself.

Thereafter, I may be permitted to make a few submissions of my own.....Interruptions.....

Hon'ble Speaker: Shri Ashok Sahib, you have to seek permission before a document in the House.

Shri Ashok Kumar Khajuria: I have already sought your permission.

Hon'ble Speaker: The permission should be obtained in writing.

Shri P. . Handoo (aw Minister): Mr. Speaker Sir, he should have supplied a copy to you. This is a very bad tradition set earlier by a leader of Jamat-i-Islami. I am sure that he is following the foot steps sof Jamati-i-islami. We objected them..... Interruptions.....

Hon'ble Speaker: What is your point?

Shri P. . Handoo (aw Minister): Sir, my point is that if we want to read something which is written a copy of it should have been supplied to Hon'ble speaker earlier and sought permission, so that the other side will also know what he is reading..... Interruption.....

Hon'ble Speaker: Mr. Minister, you are very right . The procedure is like that. That rule is like that but he talked to me. I told him to read it. Give him the indulgence because he can't speak extempore on technical subject. He has given in writing by the party. Khajuria Ji read it Interruptions..... We will give you a copy of it.

Shri Ashok Khajuria: understanding the question of greater autonomy or reversion to pre-1953 position in Jammu and Kashmir.

Some Facts:

What is the Genesis of the Problem?

Sheikh Mohammad Abdullah founder the Jammu & Kashmir Muslim Conference in 1932, which launched an anti-Maharaja movement in Kashmir (1931-1947) with support of British, Kashmiri element termed it as " Freedom Movement", but it was basically a Muslim Communal Movement.

Muslim Conference allied with congress led by Nehru a Kashmiri with “Kashmiriyat” as the main base. It was a marriage of convenience.

Muslim Conference name was changed to National Conference in 1938. It was done to broaden the base of the movement. However, basic agenda i.e. Kashmiri Muslim separatism remained the same.

Sheikh Abdullah rejected Muslim League headed by Jinah. For Sheikh Abdullah joining Muslim League’s movement for Pakistan meant losing front rank leadership. He also apprehended that by doing so, Kashmiri Muslim identity might assimilate in large Muslim (Punjabi) identity.

Sheikh Abdullah fired first salvo in 1946 when Cabinet Mission came to India. In a telegram to the mission he demanded “Freedom” for Kashmir. He launched Quit Kashmir movement against Maharaja a Dogra Hindu from Jammu.

Indian Independence Act was to be implemented on the 15th of August, 1947. Rulers of the Princely States were given authority to either join India or Pakistan. But no date was fixed for the ruler to sign Instrument of Accession. Maharaja of J&K was indecisive. Pakistani regulars invaded State territories in the guise of Tribals. Maharaja signed the Instrument of Accession on 26 October, 1947. Nehru insisted the Sheikh Abdullah should endorse the decision through legally not required. Active involvement of Sheikh Abdullah with Accession issue gave wrong impression that NC was a party to the issue.

What is greater Autonomy/Pre-1953 position? How people of the State took it?

Congress leaders, especially Nehru, created an impression that it was essential to grant “Special Status” to J&K due to its peculiar position.

The term “peculiar position” led communal elements to interpret that Congress had accepted in principle that the

Muslim majority character of the State shall be maintained at all cost.

The State was accorded "Special Status" under Article 370 of the Indian Constitution with hardly any discussion in the Constituent Assembly.

In 1952 Delhi Agreement was concluded between Nehru & Sheikh to give practical shape to the "Special Status".

Under the agreement the State was given separate constitution and a flag. The Head of the State and Government were given the nomenclature of Sadar-i-Riyasat and Wazir-i-Azam respectively.

The people who wished to enter the State of J&K or go out were required to seek "Permit" from the state authority.

The accession of J&K with Indian Union was accepted only in terms of three subjects viz. Defence, Foreign Affairs and Communications.

Under the circumstances the Jammu and Kashmir Praja Prishad launched movement demanding Ek Pradhan, Ek Vidhan and Ek Nishan. More than a dozen workers sacrificed their lives at Hiranagar, Jourian, Sunderbani and Ramban and thousands were arrested.

Bharatiya Jan Sangh launched nation wide satyagrah in support of the movement. Dr. Shyama Prashad Mukerjee entered the State on 8th May, 1953 without "Permit". He was arrested and sent to jail at Srinagar where he died on 23rd June, 1953 under mysterious circumstances.

Sheikh Abdullah who had succeeded in achieving maximum possible autonomy for the State was found conspiring with American and Pakistani agents to separate J&K from Indian Union. He was arrested on 9th August, 1953. And thus ended one phase of separatist movement in J&K.

What according to NC leadership is erosion of "State Autonomy" during 1953-1975?

During this period thirteen steps have been taken to extend various provisions of Indian Constitution to the J&K State. Few are as follow:-

By 1954 Presidential Order the operations of Customs, Central Excise, Civil Aviation, Post and Telegraphs were extended.

In 1958 All India Services-IAS, IPS was introduced Functions of Comptroller and Auditor General were extended.

In 1959 the legislative entry relating to census were applied making way for the conducting of Census of 1961 under Central law.

In 1960 J&K was brought under the jurisdiction of Supreme Court. The jurisdiction of Election Commission of India was extended.

In 1964 Articles 356 and 357 of the Constitution were applied making way for the introduction of President Rule in emergencies.

In 1965 a number of legislative entries relating to Welfare of labour, Trade Unions, Social Security and Social Insurance were applied.

In 1966 provision is relating to direct elections to Lok Sabha were applied.

Since 1953 about 337 laws relating to Charter Accounts law, Coinage Act, Conservation of Foreign Exchange and Prevention of Smuggler Activities law, Contempt of Courts law, Customs law, Copy Right Act, Dangerous Drugs Act, Delimitation etc. have been extended to Jammu and Kashmir State.

Moreover, Visa type "Permit Systems" was also abolished.

What are the dangers implied in the recommendations of "State Autonomy Committee"?

One of the recommendations of the Committee is that Article 370 which has been incorporated as "Temporary" be made "Special Article."

The Committee has recommended that J&K's accession with Indian Union be reverted to only three subjects viz Defence, External affairs and Communication. While in all other matter State to remain independent.

The nomenclature of governor and Chief Minister changed to Sader-i-Riyasat and Prime Minister respectively.

The said Sader-i-Riyasat be elected by the State Assembly making him responsible not to President of India but State Assembly.

Another recommendation provide for repeal of jurisdiction of Supreme Court, Election Commission of India and Comptroller and Auditor General of India.

The Committee has also recommended deletion of Articles 12 to 35 relating to Fundamental Rights.

The report has provided for the withdrawal of Central Services such as IAS, IPS etc.

It is provided in the report that Articles 356 and 357 be made non-applicable to the State of J&K. Just imagine what would have been the state of affairs in 1989 when Pakistan sponsored militancy had engulfed the whole Kashmir Valley, had President of India not declared President rule in J&K.

Besides, the Committee has also recommended the deletion of various other measures falling under the head 'C' above.

How the ruling Junta behaves after achieving autonomy in 1950?

The Sept. 1951 election to the State Constituent Assembly was conducted under State's Election law. The NC got elected all the 75 members by whole hog rejecting the nomination papers of opposition candidates.

The Kashmiri leaders have grossly misused powers got under special status to deprive the people of Jammu and adakh

(more than 50% population) of their legitimate rights . They are living as 2nd class citizens for more than 50 years.

The N.C. Government is lending full support (overtly and covertly) to ISI plan to convert Jammu and adakh to Muslim majority Provinces. During last two-three years about 25000 Muslim families from Kashmir Valley have constructed their houses in Jammu Province encroaching Government lands.

After coming to power under Indra-sheikh accord of 1975, NC Government got passed one resettlement Bill, which provides for the return of thousands of families who left J&K for Pakistan in 1947. The Supreme Court withholds the said bill. What would have been the fate had the jurisdiction of Supreme Court not extended to this State.

Autonomy to J&K has miserably failed to bring this State closer to India as is claimed by the propounders of "Greater Autonomy" on the contrary it became major factor in converting J&K into a breeding ground for ISI and giving rise to militant Muslim Separatism.

Where the NC Government has the mandate to demand Greater Autonomy?

The answer is no.

In 1996 Assembly election NC got less than 15% of the total votes. In those elections people had voted for the restoration of democracy. Moreover, it was not a referendum on greater autonomy as is claimed by NC.

In 199- ok sabha election NC got only 5% votes whereas BJP, which is opposed to concept of Autonomy, was polled 60% of the votes polled. Besides other parties who are against Greater Autonomy received 4 to 5% votes.

Barring few almost all sections of societies have expressed their opposition to NC's demand for more autonomy. They include people of Jammu and adakh regions, Gujjars, Shias, Sikhs and Kashmiri Hindus ETC.

After coming to power in 1975 Sheikh Abdullah had also appointed a similar committee under Sh. D.D. Thakur, a

senior NC Minister to review various laws extended to J&K in between 1953-1975

The D.D Thakur Committee recommend that all the legislative entries made during that period are in the interest of the people of the State; hence they should not be touched. Sheikh Abdullah had accepted the findings of the Committee.

Shri Som Nath: Sir, the resolution on autonomy moved by the Govt. is of vital importance..... interruptions

Hon'ble Speaker: Shri Khajuriaji, your Govt. in the Centre has already constituted a committee to study the report of the Autonomy Committee besides setting up another committee for reviewing of the Constitution of India.

Shri Som Nath: As I have already pointed out that the autonomy report under discussion in the House is of great significance and has attracted the attention not only of the sub-continent but the entire world. My presumptions are that the N.C. Government is adamant to get the resolution passed whereas the members belonging to BJP have adopted a rigid stand on the issue. So far my assessment goes I doubt the sincerity of both the parties . the factual position is that neither of the two parties are sincere in their approach to getr this dream put into practice, on one hand Mr. Advani express hi willingness to hold talks outside the agenda of complete freedom and on the other hand Mr. Chuni al and ala Ji belonging to same party demonstrate black belt on their foreheads. I fail to understand what they want to convey by resorting to this practice. It is mere exploitation of the voters and nothing else. I would like to refer to the comments made by Shri Ved Bhasien Editor Kashmir Times on Radio wherein he stated that the resolution moved by N.C. Govt. does not enjoy the support of the people of the State in general and Jammu and adakh province in particular. My observation is that the N.C. Govt. by raising this issue at this political juncture is trying to exploit the sentiments of the people of the State. I fail to understand what the present Govt. is trying to achieve by raising this issue. I belong to depressed class i.e. Scheduled Caste community. I recall the golden period of Sher- i-Kashmir regime when Big landed Abolition Act was enacted in the State and by virtue of that Act, the down trodden section of the society was conferred

proprietary rights on the under their cultivation, but the irony of the fact is that during the present regime they are being deprived of the right. The present Govt. both at Centre and in the State are making tall claims of giving reservation to backward class community but the factual position is that they are making backdoor entries into the services. The Govt. is desisting from implementing the Mandal Commission Report thus depriving lacs of the people belonging to the backward classes of their legitimate fundamental rights. Let me quote the present region-wise staff strength of the Civil sect.; out of 1700 Govt. employees only 300 to 350 belong to Jammu and 140-12 are from Ladakh. My contention is that we are not against the autonomy but what we want is to ensure due representation to each region. My sincere advice to the Govt. is to build a sense of understanding with the BJP Govt. interruptions. in 1996 the Congress Govt. which used to be in power at the Centre tried its level best to persuade N.C to plunge into election arena and promised to adopt a flexible policy so far as granting maximum powers to the state. So much so that Mr. Narsima Rao went to the extent by saying that sky would be the limit but it is unfortunate and disgusting that the same party having such a high reputation is denying these rights to the Kashmiris. Shah Sahib gave a brief resuming right from 1053 onwards projecting therein the

gradual erosion of constitutional rights of Kashmiris. I would like to put a simple question to N.C. Govt. who was in the power from 1953. Was not it NC, Congress or Congress and NC in coalition if it is so what is the fun of shifting the responsibility to the present Govt. at centre. Today the NC claims that the constitutional and legal rights of Kashmiris are being usurped. It was NC who entered into accord with Indra Gandhi in 1975 and 1987 both these parties again entered into an accord. I would like to ask who usurped the rights of Kashmiris; was it BJP or BSP. It is crystal clear that blame lies on National Conference or Congress. I would give a sincere suggestion to Dr. Farooq Abdullah in case he is sincere to seek autonomy. He should withdraw its support to NDA. I would like to recall the period when the issue of carving out new districts in J&K State was raised. The then Govt. did not constitute any commission for this purpose and few new Districts were carved out in Kashmir Province but no such facility was extended to Reasi, Samba and Kishtwar. Today when we demand carving out of new Districts the Govt. ignores our demand by saying that it has no funds. In case your resolution gets approved by the Centre, how you are going to implement it? Are you willing to change your

attitude to Jammuites or to continue it as per past practice? Miss Mayawati remained in power only for six months and carved out 12 districts in her State in such a short spell of power-----

-----interruption -----.

-----The Government does not have courage to hold Panchayat elections despite holding the reigns of power for the last 25 years barring a short period of time -----interruptions----- . You claim to enjoy majority of the House for passing the resolution but you must be a bit realistic to understand that you not enjoy 100% support of the people .The factual position is that only 10% people are with you and 90% against you. I can't support N.C. BJP or Congress because I have got my own compulsions. Now it is up to you to do whatever you like. Thanks

Shri Abdul Rahim Rather:- On a point of information. I did not like to interrupt Mr. Som Nath during the course of his speech. but he is free whatever he says but I would like to point out that he has alleged that both N.C. and Congress are responsible for getting the autonomy of the State eroded. As for the Congress I have no concern with it, but in defence of my party N.C.I would like to make it clear that not a single provision of Constitution of India was extended or applied to the Sate of J&K during the rule of National Conference in 1982-84. 1987-90 and 1996-20009 till date under such circumstances I would like to ask the Hon'ble Member to enlighten me about provisions of Constitution of India which have been extended or applied to the State during the regime headed by Mr.Farooq Abdullah which would justify the allegation of erosion of State Autonomy by N.C.

Sheikh Abdul Rehman:- Bakshi Sahib and Sadiq Sahib were member of the N.C. from 1953-1963 constitutional amendments were extended or applied during that period itself.

Shri A.R. Rather:- He did not mention the name of Bakshi Sahib, rather he signalled N.C. for the responsibility of the erosion State Autonomy, et him quote a single constitutional provision which was extended or applied to the State during our period.

Mr. Speaker;- All right, please resume your seat.

Shri Som Nath:- Sir, I would like to seek a clarification to the effect as to whether there existed any Government other then N.C. or Congress after the J&K Constituent Assembly was constituted without any election?

Mr. Speaker:- All right, please take your seat, Sadhotra Sahib.

-----Interruption-----

Shri Abdul Rahim Rather:- Sir, The Hon'ble Member has given an incorrect information to the House. It is a breach of privilege. I am going to move a motion against him.

Mr. Speaker:- You give me in writing. I will move it. You please sir. Any body who is miss leading the House by speaking lies/miss information's the House, it is a privilege issue that can lead to imprisonment. It is for your information and I am the person who knows how to send a man to jail.

Mr. Sadhotra Sahib:- You please speak.

Mr. Ajay Sadhotra:- Sir, Kashmir is the focus of attention of the entire world as well as the country as the historical session on autonomy is going on. There is no difference of opinion that the N.C. is the leading political party of the State. It is really unfortunate that a small group is bent upon to oppose this resolution which reflects their mentality and rigidness. The resolution put forth by the N.C. has gained wide support from all the three regions of the State which is a clear indication that they have reposed full confidence in the policies of N.C. I feel no hesitation in saying that no party other than N.C. enjoys such a representative character in the State. You are not even prepared to accept this resolution even if we project it from constitutional point of view-----interruption -----

Hon'ble Speaker:- Sharma Sahib; please have patience , your colleague can reply him tomorrow while addressing.

Shri Ajay Sadhotra:- You can not distort historical events when-ever you will have to take decisions you to be dependent on historical facts. Your short-sights approach will not have any adverse effect on decision making process. Some of my colleagues while making their speeches criticised our party for not highlighting this issue when ever this party remained in power. I would like to clarify that during the elections of 1977, 1983, 1987 and 1996 the autonomy was the main issue of the election manifesto and our party under the leadership of late Sher-i-Kashmir and Dr. Farooq Abdullah always projected the issue of restoring internal autonomy of the State

and demanded the restoration of 1953 position but it is unfortunate that due to your rigid mentality you are not prepared to accept the facts. Let me recall the period of militancy in the State when big political stalwarts of the country were confused to face the prevailing situation. Mr. S.B.Chawan, Home Minister of India repeatedly said that he was not finding any such political party with whom he could take up this burning issue. Fortunately a representative party in the shape of N.C. existed in the State to deal with the situation. You should be grateful to Dr Farooq Abdullah that he agreed to take the reigns of the Government at a critical juncture when pro-Pakistan and pro-independent slogans echoed in the valley. The N.C. does not want independent or accession with Pakistan. We merely want the restoration of 1953 position, our demand is confined within the constitutional frame work and we have made up our mind to take our struggle to its logical goal sir, I would like to say with full confidence that the political situation in Kashmir would have not deteriorated to this extent had the promises made by the Central Government with the State Government been fulfilled in true spirit and the people of Kashmir would have not been facing the present situation. Had we followed the path of our towering leader Sheikh Mohammad Abdullah, the situation in Kashmir would have been entirely different. Mr. Dev Gowda Ji when in power in the Centre, had after consulting different political parties given common minimum programme and he included State of J&K also in this programme and by virtue of inclusion in the aforesaid programme the State of J&K was supposed to enjoy maximum powers. This inspired the N.C Party to fight the elections and if our party today comes up with the resolution it is quite justified. Shah Sahib has very briefly highlighted the provisions of Autonomy Report. The opposition says that we are trying to mislead the common masses. The question is not of winning an Assembly seat but to save the State and the country and to defeat the nefarious intentions of Pakistan. I appeal to the opposition not to give a wrong notion interpretation to our demand lest it would have adverse consequences. May I refer to the statement made by the Hon'ble Governor of the State Shri Girish Chander Sexena wherein he had stated that there is nothing in the Autonomy Report which could be a cause of disintegration of the country. The Autonomy Report if implemented can help to strengthen the ties between the State and the Centre and its implementation will result decentralization of power. My learned friend Mr. Som Nath Ji while speaking on the resolution endorsed my view points. It is quite strange that you try to mislead the innocent people of the state by

raising irrelevant issues. The irony of the fate is that the opposition has crossed all the limits of decency by saying that the issue of Autonomy has been raised in the House only because Farooq Sahib is trying to introduce the permit system in the State. I strongly refute the contention of the opposition as the allegations they have leveled are totally baseless and false. May I recall the period of partition of the Country. When Pakistan's view point was that the State having Muslim majority will merge in to Indian Union. Ours was the only State which rejected Two Nation Theory and N.C. under the dynamic leadership of Sheikh Abdullah decided to join hands with Mahatma Gandhi, Nehru and Ab. Kalam Azad the upholders of secularism. Shah Sahib in his statement gave a detailed historical background of the period when Maharaja of Kashmir entered in to stand still agreement with then Viceory of India Lord Mountbetin. According to which he had suggested to accede with India on three conditions viz. defence, communication and internal affairs which was subsequently rejected by the Pakistan Government. The Maharaja also suggested having a dialogue on this subject with the Viceory and suggested that the final decision would vest with the public. Now it is our duty to see how we can strengthen our ties with the Union Government and in which constitutional issues we will seek their guidance. On 30th of Oct. 1947 an emergency Government was set up and Sher-i-Kashmir was asked to lead this Government. The Atmosphere at that time not conducive and Pakistan was planning to launch a Kabiwali raid on the State and had evil intentions to grab the State territory and the party which defied the evil designs of Pakistan was nonelse than N.C. Thereafter in March 1948 a democratically elected Government was also headed by Sher-i – Kashmir as Prime Minister of the State. Sher-i-Kashmir after assuming the office of the Prime Minister repeatedly highlighted all these terms and conditions in various public gatherings and the sessions of Constituent Assembly of India on which our State had acceded with India. Article 306-A of Indian Constitution which was there after converted in to Article 370 was enacted on the State which was among others approved by Shri Moti Ram Begra which is a clear indication that enactment of Article 370 did possess the approval of leaders from Jammu as well. I would like to say that Mr. Harsh Dev Singh Ji and and ala Ji should feel proud that Mr. Moti Ram Begra belonged to their illaqa. Even it waqs approved by Shama Reashad Mukerji who was in support of giving special status to the State under Article 370. Mr. Gh. Mohi-ud-Din rightly said that Gopal Swami Ayenger held the opinion that repeated promises by the Centre.

were held with the people of J&K State that no article will be applied to our State unless the Constituent Assembly desires to do so. This speech was delivered in the Constituent Assembly of India. It has remained the objective of the National Conference that the ultimate power vests with the people of the State and we have to carry our mission according to the aspirations of the people. I would like to refer extracts of the book written by Shri Adrash Sein Anand, the Chief Justice of India wherein he has admitted the legislature powers of the State cannot be entrusted to the Parliament but unfortunately everything has been done contrary to the constitutional provisions in respect of our State. Our constitutional rights have gradually been eroded which is the main cause of eruption of militancy in our State. Fortunately a constituent Assembly was set up in our State with a view to provide uniform political base for the people of Jammu and Kashmir and Ladakh which will provide equal opportunities to develop their respective regions. Sher-i-Kashmir and Pandit Jawahar Lal Nehru entered into Delhi Agreement by virtue of which certain issues were included in the agreement. In order to publicize this issue, Pt. Jawahar Lal Nehru highlighted the contents of the agreement in Parliament in detail on 24th of July, 1952 and in Rajya Sabha on 5th of August 1952. The same issue was made public in the Constituent Assembly by Sher-i-Kashmir on 11th of August, 1952 by virtue of which the residuary powers in pursuance of Instrument of Accession vested with the State. Pursuant to the Article 370 all the matters barring three main issues were kept under the jurisdiction of the State Government. The crux of the whole issue is that ultimate source of power flows from the people. The issue of citizenship rights was also highlighted in the House. Sheikh Sahib also agreed that every State Subject will be deemed as the citizen of India. The Government of India headed by Pt. Jawahar Lal Nehru agreed with the State Subjectship of the people of the State which right was granted to the people by Maharaja in 1927. The State Subjectship also restricted the transfer of immovable property and employment of any non resident Kashmiri into the State services. So far as the Chapter of the Fundamental rights of the constitution of India is concerned, we agree to adopt it till we have our own Chapter of Fundamental rights in our own constitution to be adopted by the State Constituent Assembly but we made it clear no compensation would be paid to the landlords whose land has been given to the tillers under the Abolition of Big landed Estates Act. So far as the jurisdiction of Supreme Court is concerned, in this connection I would like to point out that we are not going to abolish it as alleged by you. We had in fact applied its jurisdiction in respect of all matters/issues falling

under the purview of the Article 131 of the Constitution of India. As far National flag is concerned most of my friends have pleaded for having one Constitution, one Prime Minister and one Flag only because none of the State is having two constitutions or two flags but my argument is that the existence of two constitutions and two flags in our State for the last 50 years has not created any storm which justifies you to be worried about it. Regarding the issue of head of the State.

-----Interruption-----

The then Prime Minister of Kashmir, Sher-i-Kashmir was a popular leader. He could have chosen somebody else from Kashmir as Head of the State but he devised a formula and presented it to Nehru Ji under which Dr. Karan Singh was elected Sadar-i-Riyasat of J&K State under Constitution Application Order of 1950. This is what has been pointed out by Shah Sahib during his deliberations. Ala Ji can also get a chance to be the Sadar-e-Riyasat of the State provided he accepts this formula. So you should not oppose it (laughter)-----. I would also like to submit that the tendency of demanding maximum Constitutional rights is a wide spread phenomenon throughout the world and the culture of internal autonomy is gaining momentum for the last fifty to hundred years. For example in Australia there is a Prime Minister who heads the Country and the Heads of the State are also called Prime Minister and if we come up with the same demand why are you dealing this problem with narrow mindedness. My learned friend Ala Ji raised the issue of financial integration. Today our State is facing a grave financial crunch. As regards imposition of emergency under Article 352, the Central Government used to misuse this article as per their sweet will but when over they tried to impose it in our State Sher-i-Kashmir stood against its imposition saying that before imposing emergency in our State the centre Government will have to consult the State Government because we were aware of the internal political scenario of the State. As regards Article 356 Jawahar Lal Nehru had very categorically stated that it will not be imposed on the State of J&K but it is quite unfortunate that every thing is going against the wishes of political leaders. I would like to refer to the repeated amendments of Constitution while imposing Presidential Rule in Punjab though that State never enjoyed a special status. But so far or State is concerned, the Centre Government all of a sudden with the connivance of the Governor proclaim emergency in our State. These things need to be taken seriously, I would like to know from Ala Ji who stated we must

enter in to a dialogue with the Hurriet leaders because in his opinion it is the largest single party in the State. How far it is justified to hold talks with the party which is adamant for the inclusion of Pakistan in the dialogue with a pro-Pakistan party ignoring N.C. which wants to solve its problem with the Centre within the frame work of Indian Constitution? Here I will invite the attention of the House towards the visit of Sonia Gandhi to Amritsar when she tendered an apology to the people there for the excesses, if any they had committed during emergency there. I would like to know if you do not hesitate in tendering an apology to the people of Punjab? Why cannot you do it in our State? It is a golden opportunity for you to win the hearts of the Kashmiri and if you do not avail of this opportunity, history will never forgive you. Pt. Nehru by imposing Article 370 and entering in to 1952 agreement with the State, had provided an opportunity for the present Congressmen to make amendments for their excesses in the State but unfortunately they have lost this golden opportunity. I am grateful to Hon'ble Speaker for giving me sufficient time to express my view point. Lastly I appeal the people of all the regions not to get mislead by false propaganda. N.C. is only party who represents the aspirations of the people of the State and we are adamant to take our State on the path of progress.

Thank you.

Shri Bali Bhagat:-

خود ہی قاتل، خود ہی بچ، خود ہی گواہ ٹھہرے
اقربا مرے کرے خون کا دعویٰ کس پر

Sir, I rise to oppose the resolution introduced by N.C. on Autonomy Report. I fail to understand what is the motive behind bringing this resolution at this critical juncture when the entire Valley is in the grip of militancy and the law and order situation is deteriorating day by day. It would have been proper to hold a special session for having a discussion on the present political condition of the State but leaving aside this vital issue, the present Government has highlighted an issue which had lost its importance. The need of

the hour is to find out the means which could help in curbing militancy in the State. Today mass demonstrations are being made in all the regions of the State because the demonstrators feel that their rights are being usurped. All of you are aware of this fact that an agitation by Praja Parishad was launched in 1953 wherein several people lost their lives. Since this was a complicated issue and presently this issue cannot be made the subject matter of discussion. In 1932 Muslim Conference came into existence and thereafter it was converted into N.C. in 1938 but the role this party is playing at present is in my opinion totally anti-national. The Autonomy Report does not reflect the aspirations of the people of Jammu and Ladakh. These people have never expressed that they should be given autonomy because this party is continuously showing discriminatory treatment with these two regions. The people of these two regions have been ignored in every sphere of life and for that matter we have every right to seek an explanation from the present Government. In support of my contention I would like to quote some figures. In Jammu region against the existing number of 24 lac and 83 thousand voters only 37 Assembly seats have been allotted against 46 seats in Kashmir Region having 24 lac and 10 thousand voters only and in case we take the area of both these regions into consideration the total area of Jammu is 25 thousand and two hundred and twenty one Sq. Kilometers whereas the total area of Kashmir Region is only 16 thousand Sq. Kilometers I would like to ask my colleague Mr. Siddhartha Ji who apart from being a Minister claims to be the representative of Jammu, whether he has ever bothered about the discriminatory treatment meted out to the people of Jammu. The total population of District Jhelum was 61,380 in 1885 and the total number of voters was 46,432 whereas the total population of Kargil District is 65,000 but the total number of voters there is 52,934, which clearly indicates that the district which is having less population the number of voters there is comparatively 10 thousand more. Isn't it regional discrimination? We should admit this fact that our State is already enjoying maximum autonomy under Article 370 which fact is established by the State having its own Constitution and State Flag. To what extent these powers have been misused is not a hidden fact. The Chief Minister and his party colleagues have published that they do not want to divide the State of J&K but contrary to it they also give statements that Line of Actual Control be declared as permanent border. Why should we withdraw our claim from that portion of our State ($\frac{1}{3}^{\text{rd}}$ of our total area) which is under the occupation of

Pakistan and if we admit .O.C as international border that will clearly reflect that we are dividing our State. In Autonomy Report you have suggested to carve out eight provinces in the State but you have not Clearfield the criteria to be evolved in this behalf. Besides you have suggested to declare Jammu as a region which-

------(interruption) -----

Dr.Farooq Abdullah,Hon'ble Chief Minister:- Sir, on a point of information, Sir the issue of regional Autonomy is not being discussed at present-----
------(interruption)-----why could not you liberate Pakistan occupied Kashmir during last 50 years. Our force agreed to cease fire last year during Kargil conflict when they were advancing and the opponents were on the run. During 6 years of Governors/Presidential Rule, atrocity and discrimination was done on Kashmiries; why don't you recall those days? it is quite unfortunate that the period of tyranny during Governors rule, has escaped your eyes and the period we have ruled the State has become the focus of criticism , so far as diving J&K State in to 3or 4 regions is concerned, I would like to say that I have merely given a suggestion to declare OC as international border but you will be the people who will put this suggestion in to practice , today we have laid emphasis to enter in to dialogue with the Centre on the issue of autonomy with the frame work of Indian Constitution. One of the Congress Member stated that they are not going to take N.C. in to confidence neither they want to initiate any dialogue with our party. I want to ask him why our Prime Minister did show his willingness to have negotiations with our party? Why did not he take Hurriet eaders or Mufti Sahib in to confidence? Mufti Sahib is trying to win the sympathies of Hurriet eaders and for that purpose he is prepared to bow to any extent. The Central Government has preferred to have dialogue with our party on certain facts , they know this is only party which right from beginning is pro-Indian and would like to continue like that. We do not want to disintegrate our Country------(Cheers)----- we should make it a point that we will never take a step which------(interruption) ----- . During the regime of Syed Mir Qasim the Central Government in consultation with him reposed confidence with Sheikh Abdullah and consequently he was asked to assume the Chief Minister ship of the State otherwise, Mufti Mohd. Syed was also in queue aspiring for Chief Minister ship of the State. The Sherwani type coat he had got stitched at that time is

still hanging on the walls of his residence. Just enquire from him. In 1975 Sheikh Mohd Abdullah was asked to take over as the Chief Minister of the State but in 1977 all of a sudden his Government was toppled for the reasons best known to you. By the grace of Almighty your party lost his existence------(cheers)-----However, I may clarify that I am not your opponent by virtue of being the Chief Minister of the State. It is my duty to ensure the integrity of the State. I must think for the betterment of Muslims, Sikhs, Bodhs and Christians, I can not think even for a second to exploit the people of the State on regional basis. You should be grateful to National Conference because we took the reigns of the Government at a moment when the entire State was in the grip of militancy and the law and order situation had almost collapsed. We by accepting the challenge tried to bring the State on right track, otherwise, the situation would have gone out of control------(interruption)-----.

Mr. Speaker:- Mr. Bali Bhagat, you are too young but you should realize your responsibility. You are representing a party which is an power at Centre----- (interruption)-----Mr. Bali Bhagat please resume your seat, I may tell you that whenever you participate in the deliberations of the House, you should take in to consideration the norms and the procedure required to be adopted in this behalf, A considerable number of persons belonging to the media are closely watching our activities and in the capacity of Judges they closely watch our performance as to what extent we have contributed in the House. My humble submission is that the discussion is that the discussion we hold on the resolution, should not deviate from the crux of the resolution.

------(interruption)-----

Shri Bali Bhagat;- Sir, my time has been consumed by the Hon'ble Chief Minister I was only quoting the contents of the documents when ----- (interruption)-----Sir, the concept of freedom was initiated by the N.C. in 1946 when Cabinet Mission came to India and this very slogan inspired Hurriet Conference to aunch a pro-independence agitation in the State which has caused devastation in the State. The Centre Government had already given a special status to this State but despite granting these concessions Central Government had reports through intelligence agencies that anti-national elements

were hatching conspiracies resulting in the arrest of Sheikh Mohd Abdullah on 9th of August, 1953 and consequent to his arrest these activities received a set back for a certain period. I would like inform the House that the report of the Autonomy Committee clearly reflects that our State should not have any Election Commission and the State should be exempted from having any Auditor General as well perhaps because the State authorities would have a free hand to misuse the allotted funds. Here I would refer to the election held in 1951 when all the nomination papers field by the opposition were rejected and in all the 75 Assembly seats the candidates belonging to ruling party were declared elected unopposed. By bringing this resolution the ruling party perhaps wants to repeat the same story. After Indira-Sheikh Accord the Resettlement Bill was introduced in the House. The Bill it self was not in favour of the nationalist forces and it was due to the intervention of the Supreme Court that passing of this Bill got delayed. In case the State gets out of the jurisdiction of the Supreme Court, there is very apprehension that Bill of such nature will continue to be introduced in the House. The Central Government has expressed its willingness to enter in to a dialogue with a fundamentalist party only because we believe in democracy and it is our policy to hear the arguments from any group what so ever his political approach may be. The Centre believes that there lies no harm in having a dialogue with any group or political party within the frame work of our constitution I would like to say that the day that the day this resolution was introduced in the House the State as a whole is in a State of chaos and confusion, I have no hesitation in saying that the policies being adopted by the N.C. Government in the State and its future policies commensurate with the policies of ISI and other anti-national groups. In support of my contention I would like to refer to the latest statement of our C.M. Wherein he said that the line of actual control be declared as international Border. The another example I would like to quote is the encouragement of migrants by the N.C. as these elements enjoy the full support of ruling party in illegal encroachments of forests and other lands. The Government has assured them that such encroachments will be regularized in favour of encroachers. All these misdeeds are being executed with the connivance of revenue authorities. I witness these incidents in my Constituency Doda, our party will never tolerate to see two Prime Ministers on Indian Territory and your dreams to restore the position of 1953 will never be translated in to practice.

Hon'ble Speaker: Shri R. C. Bhagat:

------(interruption)-----

-----Mr. Faqir Mohd Khan:- Sir, so far as the issue of regional population-----

------(interruption)-----

-----Hon'ble Speaker:- Khan Sahib please take note that you speak only when your turn comes. Please resume your seat and go on taking note of the speeches being delivered in the House, never try to play before the press. R.C. Bhagat Ji, let you proceed.

Shri R.C. Bhagat:- Sir, the resolution on the Autonomy Report is under discussion in the House and I would also like to express my view points in this regard. So far I have understood the Constitution of India there is ample scope in our constitution by virtue of which we have very right to demand autonomy for our state and no power on earth can deprive us from achieving our goal. We have entered into an accord with the Central Government on certain conditions and by bringing the resolution we want to restore the position of 1953 and elimination of the laws enacted to our State after the imprisonment of Sheikh Mohd Abdullah in 1953. My learned friends from the opposition are opposing the resolution merely for the sake of opposition thereby forgetting the role played by our towering leader Sheikh Mohd Abdullah before and after independence. It was under his dynamic leadership that the most down trodden section of our society viz. Schedule Casts enjoyed privileges provided under the Constitution of India. Besides the main achievement of N.C. Government was the Abolition of Big landed Estates Act and the tenants were conferred proprietary rights on the land under their cultivation. As compared to other States like Bihar and U.P. where the entire political structure is in doldrums, our State is politically stable and every individual of the State can talk with his head high. Our State is on the threshold of development only because of the blessings of late Sheikh Sahib. I will very humble request my learned friends from the opposition that facts are facts and by restoring to sheer criticism you can not ignore the facts, you must read the writings on the wall and shun the rigid attitude. The person who brought political, social, economical and educational awareness among the down trodden people of the State was none other than the Sher-i-Kashmir. By distorting the historical facts you are not

doing service to the nation but sowing the seeds of hatred among the innocent people of the State. It is quite strange that you are forgetting the slogan raised by our beloved leader Sheikh Mohd Abdullah:-

ہندو مسلم سیکھ عیسائی
آپس میں ہیں بھائی بھائی

When our State was invaded by Kabbilies in 1947 Sheikh Abdullah along with the poor Kashmiries stood in the way of invaders like the rock of Gibraltar and under his dynamic leadership martyrs like Mohd Maqbool Sherwani, Master Abdul Aziz Brig. Rajinder Singh laid their precious lives to defeat the evil designs of Pakistani invaders. Our Prime Minister Atal Ji and Advani Ji have categorically agreed in principle that the resolution put forth by the N.C. Government can be considered. I fail to understand that in what capacity you are opposing the resolution. My personal observation is that in case the Central Government accords its approval to the resolution, it would strengthen the ties between the Centre and the State and your apprehension that will lead to the disintegration of the Country, will prove baseless, with these words I support the resolution and conclude my speech.

Thanks.

Syed Abdul Rashid:- The subject matter of discussion in the House today is the Autonomy Report. The discussion on which has been initiated by Shah Sahib. He has placed all historical events before the House in regard to the Autonomy of the State, with out touching those historical events mentioned by Shah Sahib; I am in favour of the resolution moved in the House. I would like to tell my friends especially those belonging to BJP that they should not communalize the situation. I have a copy of Instrument of Accession with me which was signed by Maharaja Hari Singh. By the Instrument of Accession the Maharaja of Jammu and Kashmir accepted three subjects on which the dominion legislative may make laws for the State. These were Defence, External Affairs and Communications. This was necessitated due to tribal raids on Kashmir and due to failure of stand -still

agreement between Maharaja Hari Singh and Pakistan. There after, Delhi Agreement was executed in 1952 by the Prime Minister of India Pt. J. .Nehru and Prime Minister of Jammu and Kashmir Sher-i-Kashmir Sheikh Mohd Abdullah. We want the restoration of rights granted under Delhi Agreement 1952. Some people are alleging that it is National Conference which is responsible for the erosion of the State Autonomy but it is historical fact that Sher-i-Kashmir was arrested in 1953, and the Sher-i-Kashmir took the reigns of the Government in 1975 there existed a non representative Assembly at that time . The M. .A.'s were a product of Dy. Commissioners in that period Handoo Sahib bears a testimony to this fact that nomination forms of fifteen opposition candidates were rejected in Anantnag District during 1967 elections. It is this Congress Majority Assembly and its Government which is responsible for distortion of the Constitution and erosion of the State Autonomy. The N.C. has nothing to do in this regard-----

----- (interruption)-----Qadi-e-Sani has rightly pointed out that India could not win over the hearts of the people of Kashmir despite granting them free ration and route permits, However, after persuasions the then Chief Minister Syed Mir Qasim, left his chair for Sher-i-Kashmir in 1975 and as a result of which there was National Conference, in power 1975 to 1984, even this elected Government was toppled in 1984 under a game plan. After we left the reigns of the Government 1990 nobody was coming forward for taking over the reigns of power from 1992 to 1996. Credit goes to National Conference headed by Dr. Farooq Abdullah for coming forward to participate in the elections, in consideration of which National Conference workers, like Abdul Ahad Kar and Ghulam Hassan Bhat, Minister of State were killed last year and this year respectively. Our integrity is being questioned despite the fact that we have been instrumental in changing the geographical position of India. I would like to tell them that you can retain Jammu and Kashmir as part of India only when you will fulfill the promises and agreement made with the N.C. in 1948 and 1952 Kanak Mandi alone is not Jammu. Have a look on the House which comprised of people like Mr. Sadhotra, Mr. Namgyal , Mr. Bukhari, Mr. Shaan and Mr. Soharwardhy----- (interruption)-----

we enjoy 2/3 majority in the House on the basis of which we can pass the resolution under discussion in the House. No power on the earth can restrain us from passing the resolution under discussion in the

House but we want a dialogue on the Autonomy Committee Report. We have constituted a Cabinet Committee for this purpose. We ask the Centre Government at Delhi to constitute a Ministerial Committee of their own to facilitate to enter into a dialogue with the State Ministerial Committee on all issues pertaining to the State Autonomy Report. We want to have a dialogue with all the political parties in the Country we don't want to thrust our opinion. There can be some amendments, we are not rigid in this behalf. You are on the other hand communalizing the situation. It is our belief that Jammu and Kashmir would not have been the part of India had Sher-i-Kashmir not confirmed the Deed of Accession. You are talking of snatching Azad Kashmir from the Pakistan but you could not do so despite having four wars and making four agreements with the Pakistan. Democracy was never allowed to flourish in the State, Sher-i-Kashmir a member of the Constituent Assembly of India, who was the main Architect of Accession with India, was put behind the bars for 22 years. Most of his colleagues were also arrested, some of them are part of this House at present. We have never harmed Hindu-Muslim unity of the State, we love adakh, Jammu and Kashmir equally. We ill never allow division of the State. The National Conference will keep the Unity of Jammu and Kashmir State supreme in its agenda which is our constitutional right. Before passing this resolution in this House we want to get this issue debated in universities, different political parties of the Country and besides we would like to have seminars on this issue. The main purpose of bringing this resolution in the House is to find out a way which would restore the confidence among the people of the State. We want to be a part of secular and democratic India. But we do not want to loose our identity and integrity. We have put forth this demand to the entire nation and not to single party. During the elections of 1999, the people of the State gave an overwhelming majority to our party because the autonomy was the main issue of our election manifesto and in case we deviate from our commitment to the people they will loose confidence in our party. The victory of Panditpori from angate and Veeri from Bijbehara are the signs that our party is loosing the confidence of the people. With these submissions I support the resolution.

Thanks.

Hon'ble Speaker: Mr. Safdar Ali Beigh Sahib.

Mr. Safdar Ali Beigh: Mr. Speaker. Sir, the resolution on Autonomy Report is the subject matter of discussion in the House for last few days. This House has provided us with an opportunity to have a threadbare discussion on the Autonomy resolution. The resolution put forth by our party does not reflect the sentiments of any individual but it is the voice of the people of the State. May I refer to 1953 when our beloved leader late Sheikh Mohammad Abdullah was removed from the power in an undemocratic and unconstitutional manner. The late leader had plunged into the Kashmir Movement in 1926 when he used to be the student of S.P. College. The great leader had certain dreams regarding the future of Kashmiris in his mind and it was under that influence that he raised the slogan of Quit-Kashmir in 1946, in resentment to sale deed of Amritsar by virtue of which our entire State was sold against a meager amount of 75 lacs. Thereafter, in 1947, a Government headed by Sheikh Mohammad Abdullah came into power. Sher-i-Kashmir strictly stood by the promises and agreements of the then Prime Minister of India and this situation continued upto 1953 but unfortunately in 1953 the towering leader along with his party colleagues was arrested under a conspiracy. My learned friends referred to elections of 1953 to 1975 but in my opinion all these elections were fraudulently contested. In 1975, Sher-i-Kashmir was offered the Chief Ministership of the State without contesting elections but Sheikh Sahib insisted to fight elections before taking the responsibility. However, he was motivated to accept the offer as the prevailing circumstances at the time were not conducive to hold elections. However, he contested the elections in 1977 and won the battle with a thumping majority. Sheikh Mohammad Abdullah and Mirza Mohammad Afzal Beigh contested the elections from Ganderbal and Devsar Constituencies respectively. Everybody knows that all the contestants in these constituencies lost their securities. The Congress Party however, withdrew their support in 1977.

Mr. Speaker: you will resume your speech tomorrow.

Hon'ble Members of the House, the Hon'ble Minister Ghulam Mohi-ud-Din Shah initiated the discussion on the Autonomy Committee Report and the Discussion was followed by the members belonging to ruling party, Congress, BJP, BSP and other Hon'ble Members. The first day of the discussion passed on in a cordial and friendly atmosphere. This was possible only because of your co-operation and

a message from this House should go to the media that we believe in democracy and democratic values. We believe in sorting out our differences with the members of the opposition on the Table of the House through negotiations. I am thankful to all of you for helping me to initiate the proceedings on this vital issue. I pay my tributes to the members of the oppositions, media persons, concerned officers and especially my Secretariat Staff for extending their full cooperation in making this debate a success, with this we conclude our today's business. We will meet again on 21st of June, at 9.30 a.m.

Note:---- The House then adjourned to meet again on 21st of June at 9.30 a.m.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY,

SECRETARIAT

(Official Report)

Wednesday, 21st June, 2000

The Legislative Assembly met in the Assembly Hall, Srinagar at 9.30 A.M.

Hon'ble Speaker, Mr. A.A.Vakil presided over the sitting.

Mr. Speaker: Now let us start today's business.

Shri M. Y. Tarigami: Sir, before today's business is started, I would like to bring the attention of the Govt. to a vital issue of public importance. The employees of Public Sector are on hunger strike for the last 15 days for getting their problems solved.

Ch. Piara Singh: Where is the Govt.? They have been sitting there for the last three months.

Mr. Speaker: Mr. Safdar Ali Beig will please resume his speech.

Shri Safdar Ali Beig: Sir, while continuing my view points with regard to the resolution under discussion here, I have already made a mention of the election of 1967 yesterday and in this connection I would say that this whole drama was manipulated right from 1953 and in 1967 an un-expected situation was created when a dynamic and intelligent politician our Law Minister who is an experienced Advocate was denied to contest the elections by rejecting his nomination form on the plea that oath or affirmation was not attached to it. My submission to those friends who say that N.C. and the Congress has been ruling the State right from 1947, is that this erosion has been made by these very people in this State. I would like to tell them that the incident of 1953 was creation of these people who dethroned an elected Prime Minister and replaced by the person who was submissive to the dictations of the Centre. The Centre wanted to grind its own axe in the State. Till 1965 our State had a Prime Minister and Sadar-i-Riyasat and late G.M.Sadiq was the last Prime Minister and the first Chief Minister of the State. After that a change

was brought and those who had earned reputation under the banner of N.C. were responsible for bringing a bad name to this party by acting against its manifesto and joining other political parties. My colleague Mr. Ashok Sharma questioned here yesterday as to for whom the N.C. Govt. was seeking autonomy? For his information I would like to submit that whatever steps the N.C. takes, the public interest is always kept in view and the party does not bother for its own benefits. Let me remind him that it was our party under the leadership of Sher-i-Kashmir which introduced the Bill for land to tiller and the Big landed estates Abolition Act and got these passed by the Legislature. All these Acts were in the interests of common masses and the party interest was nowhere involved in it. Moreover, these laws were not applicable to a particular area of the State but extended to every nook and corner of the State, be it Bhaderwah, Doda, Gurez, Telail or Machil area of Kupwara District. Similarly the autonomy sought by the N.C. Party is aimed at restoring the credibility, honour and fundamental rights of the State which has been eroded right from 1953. This honour and fundamental right is sought for every State Subject, not for Kashmiris only or for that matter the ruling party only. Those who oppose this resolution give a proof of their shortsightedness because their opposition is only for sake of the opposition. Otherwise, if they go through this report with a cool mind they would not raise such unnecessary points. We are not demanding this autonomy from Shri Attal Bihari Vajpayee but it is the Constitution of India which has given us this right under Article 370.....

.....(Interruptions).....

We have nothing to do with the individuals, be it Narshimha Roa, or Deve Gowda or someone else but the Govt. is a continuous process which never breaks. Therefore, we are demanding our right from the Centre, whosoever may be ruling there. The Big landed Estate Abolition Act was opposed till 1975 by those people who are displaying themselves as well wishers of the people and these were the people who eroded our rights up to 1975. But in 1975 the N. C. Govt. brought Agrarian Reforms Act for the benefit of down trodden tillers and made these poor people the owners of that land which they were cultivating for others. This credit goes to the N.C. Party which gave equal rights to everyone and freedom for expression of thought.....

.....(Interruptions).....

I would like to address those who are sitting here, wearing black badges in protest, that these badges are a sign of sorrow and grief. What sort of expression they want to show? Are they aggrieved, if a citizen of this State wants to live with honour and respect.....

.....(Interruptions).....

The country as a whole belongs to everyone. It is not the property of any particular individual.

Mr. Speaker: Beig Sahib, when you have to address the House, don't enter into arguments with any individual. Your time is limited, don't waste it. You should take maximum benefit of your time and speak only on the subject. What have you to do with the black badges. May be that they might be feeling headache and the wearing of badges around the head will be remedy to it.

Shri Safdar Ali Beig: Sir, yesterday slogans were shouted here like "EK VIDHAN, EK PRADHAN and EK NISHAN". But for their information, I would say that in our State there were two Vidhans, two Pradhans and two Nishans when Sher-i-Kashmir was Prime Minister of the State. When we talk of Constitution or taking oath or filling nomination forms for membership of either of the House even for induction into Council of Ministers, we always take oath or affirmation under the provision of our State Constitution. The integrity and sovereignty of India is also upheld in the same oath and as such India in this context does not mean Khajuria or Shri Gupta, it means the State of J&K itself. Our's is the only State which is having its own Constitution and other laws. Instead of having Indian Penal Code we are having Ranbir Penal Code (RPC). Similarly we do not have Indian Evidence Act here but we have our own laws in this respect also. These people should know that J&K is the only State which has acceded to India by virtue of Instrument of Accession whereas other States have merged with it and this Instrument has some conditions which need to be fulfilled. With this, I strongly support the resolution and it should be passed.

Shri Chering Dorjey: Sir, I oppose this motion. In the report they have referred some points about the districts. The history is evident that the people of adakh have from the very beginning opposed the State for objecting application of Central laws to the State. In 1949 the people of adakh presented a memorandum to the then Prime Minister of India Pt. Jawahar al Nehru wherein their

apprehensions were expressed. For the information of Hon'ble Members I will place a copy of the memorandum on the Table of the House

.....(Interruptions).....

Shri P. . Handoo: You have your own rights and he has his own rights. He is entitled to place it on the Table but prior information of the Hon'ble Speaker is required so that other members get the same copy. I am not objecting it.....(Interruptions).....

Hon'ble Speaker: you please take your seat. Hon'ble Law Minister is correct that if a member wants to present something on the Table, he has to inform me first and supply its copies to the members. Unless they do not know what it is, how can they prepare themselves for the debate? It is not the question of my discretion but it has to be judicious. I have to see the reaction from other side also. I am speaker for everybody, not for a particular party. However he is not going to read it but will place it on the Table of the House, he must inform me first and I will assist him. I will get it cyclostyled here so that everybody is informed what he is laying on the Table. So this time I am taking a lenient view.

Note:- A copy of the following memorandum was laid on the Table of the House.

Excerpts from the Memorandum submitted by Shri Chhewang Rigzin, President Buddhist Association Ladakh to the Prime Minister of India on behalf of the people of Ladakh in 1949.

Sir,

On the eve of the grant of responsible Government to the people of the Kashmir by the Maharaja, we the Buddhists of Ladakh and adjoining areas presented to him through our representatives in the Praja Sabha a memorial, a copy of which was submitted to you for your information and consideration. This memorial which was prompted by our apprehensions for our future, based on our bitter experience of nearly a century and a quarter, embodied the following proposals:

1. That he should govern us directly through legislative and administrative machinery, proposals for which would be submitted by us at his command.
2. That our homeland amalgamated with the Hindu-majority parts of Jammu should form a separate province in which adequate safeguards should be provided for our distinctive rights and interests.
3. That we should be permitted to join East Punjab.

Proposal (1) originated in our respect for the obligation we owed to the ruler in view of the relation which bound us to him from the day of the conquest of our land by his great-grand father.

Proposal (2) emanated from the fact that we desired to see nothing more of the administrative from Kashmir, who had mostly governed us during the past to our utter ruin, that our cultural kinship with the Hindus encouraged us to expect a sympathetic regard for our interests and an assured future in a Hindu majority province and finally that historical causes bound us to the people of Jammu and not to those of Kashmir, for it was the Jammu Dogras who conquered adakh for Maharaja Gulab Singh in 1834, while Kashmir came into his possession in 1846, twelve years later.

All things considered, however, proposals No. 1 and 2 were concessions to treaty obligations imposed on us by the Dogra conquest while proposal No. 3 which would come into force on the failure of (1) and (2) was put forward because it is the only panacea for our ills, the only guarantee for our future progress and development.

The Maharaja Dhiraj has so far vouchsafed to us no reply and we have taken this silence of His Highness to imply the relinquishment by him of his position as a party in respect of proposals (1) and (2), a tacit recognition of our right to choose our path independent of him. We have given most anxious thought to his grave problem and after mature deliberation arrived at the decision that we should straightway merge with India.

That we have the right to determine our own future apart from our communities and people inhabiting the State and that we cannot be affected by the result of the forthcoming plebiscite in the event of its being favourable to Pakistan is evident from the following facts.

(1) We are a separate nation by all the tests-race, language, religion, culture-determining nationality. The only link connecting us with the other people of the State being the bond of common ruler. If the Indian national Congress could persuade itself to recognize the Muslims of India as a separate nation although they had so much in common with the other elements of the Indian population, the Government of India should have no hesitation in recognizing what is patent and incontrovertible fact in our case.

(2) Sheikh Mohammad Abdullah built up his case on the validity of the Treaty of Amritsar. This treaty bears upon the territory of Kashmir only. So while the ruler has consented to the transfer of his sovereign power in favour of all his people. Sheikh Mohammad Abdullah and the people of Kashmir can, through this transference,

manage the affairs of their country as they will. But they have not the power to appropriate against their will, but they have not the power to appropriate against their will, a separate nation, whom a separate treaty- the result of the war of 1834 twelve years anterior to the treaty of Amritsar-bound to the ruler in a special relationship, in which, the people of Kashmir who came into the picture later, naturally, did not figure at all.

(3) The right of self-determination claimed by us cannot be claimed with equal force by the people of Baltistan including Skardu and parts of Kargil tehsils predominantly peopled by Muslims, as they are connected by ties of religion with the majority community in Jammu and Kashmir, nor by the people of Gilgit who came under Dogra rule through conquest after the annexation of Kashmir and who not only identity of religion but of race as well binds to the majority community of Jammu and Kashmir. It may be added that at the time of the conquest of Ladakh by Zorawar Singh, the entire area comprised under the Tehsils of Leh and Kargil acknowledged the suzerainty of our Raja, while Baltistan had several rajas of its own.

In case the result of the plebiscite is favourable to India, we simply go a step further than other people of the State in seeking a closer union with that great country and in case it is otherwise, our verdict stands clear and unchallengeable. When we have decided to cut ourselves as under from the State itself, the question of our forming part of Pakistan cannot arise at all.

We have indeed made up our minds to join India; but what is our decision worth until India is prepared to accept it. We certainly make the offer for our own advantage; we see in our merger with India the only hope of our salvation. But India too, will not be loser by this arrangement. The Tehsil of Leh alone covers 23,000 Sq.miles and, if we add to it the other areas predominantly inhabited by Boudhs; viz. Zaskar, Bodhkharbo, Mulbek, Fukar, Darcik Garcon, in Kargil tehsil and Padar in Kishtwar, the total acquisition of territory to India will not probably measure less than 33,956 Sq.miles. it is true that the whole of this area is undeveloped and most of it at present barren. But it must also be remembered that its economic potentialities are tremendous and in the hands of a great country like India it is bound to be transformed into a smiling garden and a source of immense wealth and power. Its strategic and commercial importance too cannot be underrated. The Tehsil of Leh and China among its neighbours and the town of Leh serve centre of Central Asian Trade.

There is nothing in our offer which is in any way incompatible with the high idealism which characterizes India's international policy. We might even say in positive terms that it is perfectly consistent with it, for has not India repeatedly declared that it stands for the

right of self-determination for all nations, and are we not a nation whose right of self-determination it should uphold and to whom it should extend the protection it seeks?

Tibet is a cultural daughter of India and we seek the bosom of that gracious mother to receive more nutriment for growth to our full stature in every way. She has given us what we prize above all other things our religion and culture and it is the experience of having been the recipients of such precious gifts which encourages us to ask for more. The Ashoka wheel on her flag symbol of goodwill for all humanity and her concern for her cultural children—calls us irresistibly. Will the great mother refuse to take to her arms one of her weakest and most forlorn and distressed children whom filial love impels to respond to the call.

Sir, the absence of a reply to our previous references on the subject of our future has depressed us greatly. We beseech you with all earnestness to be so kind as to vouchsafe a line in reply to this our last prayer on the subject.

Sheikh Abdul Rehman: Sir, even in the Parliament there is no convention of reading a written speech. It is within your jurisdiction to take a liberal view and allow to lay some written document on the Table of the House. But this is done in very special cases. Secondly, you have to go through the substance and see whether it is relevant to the subject otherwise this document cannot be circulated.

Mr. Speaker: It was only yesterday when Mr. Khajuria told me that his memory is not so strong and he wanted me to allow him to read out a written speech in the House. I told him that this was a good thing for us if your memory is not upto the mark.

Shri Chering Dorjey: Sir, in the autonomy report it has been repeatedly stated that promises were made with the Kashmiri people. I would like to know whether these Kashmiri people include Jammuites and adakhies also because I think no such promise has been made with us and all the sections in this report pertain to the people of valley only and not for the whole State.....

.....(Interruptions).....

Yesterday Mr. Ghulam Mohi-ud-Din Shah during his speech pleaded for the Kashmiri people and repeatedly said that these promises have been made with our people. But he does not include us in this, because we are neither Kashmiries nor Dogras and all these communities are having a separate identity. Therefore, I say that when you talk of the promises made with Sheikh Mohammad Abdullah, it means that these

promises pertain to the Kashmiri people only. I say it with full confidence that Sheikh Sahib was not the leader of adakhies or Jammuites but of Kashmiris only. We have not given him any right to decide our fate. This State comprises three regions namely Jammu, Kashmir and adakh. It was during Maharaja's regime that all these three regions were united and after that efforts were made to divide these regions on communal lines and the leader of a particular region had no right to decide about the other regions without taking them into confidence. Similar was the position in pre-1953 period when accords were made without taking all the regions into confidence. The contents of the memorandum which I have laid on the Table of the House reveal that all the Central laws made applicable to this State, have been enforced by the same people who are talking of erosion in the autonomy. It is these people who enacted the laws in this House thereby making the Central laws applicable in the State and now they are trying to make us understand that whatever has been done is wrong. How can you deny it? There is no doubt that Sheikh Sahib was a great leader. But the political set up which he made in the State at the dispensation with the Central laws was wrong step. Had it been done in a right perspective, all the three regions of the State would have been enjoying a peaceful atmosphere today and the demands of separate status would not have risen from Jammu or adakh. This shows that autonomy brought by Sheikh Sahib for this State was not in a right direction and I say it with full confidence that if this State is divided on the regional or communal lines the whole responsibility will be on the shoulders of NC Party because they have raised this issue which has resulted in the demands from adakh region for a Union territory and also from Jammu people for a separate statehood. You might have gone through the papers and seen that a complete bandh is being observed in adakh and black day in Jammu region. For your information I may say that one of the District Presidents of the ruling party spoke against the autonomy report in the adakh region and demanded that adakh be made a Union Territory. The demand for autonomy has come from a single party and it is not supported by the people of adakh or Jammu and not even by Kashmiri Pandits.....

.....(Interruptions).....

You are not going to get anything out of this, when no one is supporting you, then for whom you are raising this demand.

Thank you

Mr. Speaker: Mr. Parray Sahib!

Shri M.Y.Parray: Sir, while expressing my view point on the resolution under discussion, I would like to assure you that whatever steps you will take for solving the problems of the State and to mitigate the difficulties of the people, my support will always be there in every constructive step. It is our duty and responsibility to see that all the three regions of the State are given equal justice in every developmental work because people of the whole State have sent us to this House with great expectations. Therefore, we should come up to meet these expectations and gain their confidence. I think all my colleagues will bear me out that our State is a non-industrial and unproductive State having no sources of income as against huge expenditure. The meager power generation does not suffice our needs resulting in the non-existence of big industries. In such a situation to increase power generation is the need of the hour. Besides the Govt. should accelerate its steps in recovering the arrears of electric tariff. But at the same time, the economic position of our people should be kept in view. It is the big capitalists and the rulers of the State who are enjoying a comfortable life and it is they who are defaulters of crores of rupees of Sales Tax etc. why are these crocodiles at bay when a common poor man is forced to pay the taxes and the electric tariff. In other words this clearly shows that the present financial crunch which we are facing today is the outcome of the Government policies itself. Had it not been so, the ministers and the bureaucrats would not have been enjoying a luxurious life during the present financial crunch in the State. The Government should bring a cut in the unnecessary items so that the employees get their salaries in time. The germs of corruption, embezzlement and misappropriation have expanded in the public administration.

.....(Interruptions).....

Sir, the need of the hour is that we have to take our people into confidence in the present atmosphere of uncertainty and turmoil. I may bring your attention to the tactics being adopted by Pakistan after suffering a defeat in Kargil War which aims at spreading restlessness and terror in the State. I have been repeatedly saying that Pakistani agents have infiltrated in our cadres and even in the Govt. depts. Some officers of high ranks in various departments are the enemy agents. They are going to prove detrimental to our integrity, unity and security. It is an established fact that many terrorists of many organizations run at the behest of Pakistan and they have infiltrated

in our administration and are holding high ranks in Govt. depts. These people have been identified and will be identified in future also but I feel very sorry to say that Govt. did not take any serious notice of it despite the fact that information regarding their activities was brought to its notice. On the contrary they are harping the tune of autonomy in order to hide their failures and financial crises. In my view the autonomy will create a wedge between the people of the State and the Union Govt. which would be exploited by the enemy. The demand of autonomy from the State Govt. can be apolitical compulsion for them but on the whole if this autonomy is restored, the separatist forces will get an opportunity to spread their tentacles.

astly I would once again assure this august House on behalf of my party, J&K Awami League that my party will render its full support to the Govt. in taking concrete steps for development of the State as a whole. We shall have to move unitedly for the upliftment of the poor people and for removal of present uncertainty and chaos. We have taken an oath that we will always work for ensuring the security and the welfare of the people. Since we are committed to serve the people so it will not be proper for us to suppress the people by any means.

Thanks.

Mr. Speaker: Mr. A.R.Veer!

Shri A.R.Veer: Sir, the subject which is under discussion here since yesterday is of vital importance. It is a great tragedy for this State that right from the past 50 years the political uncertainty has been prevailing here. This is a historical fact that accession made by the leadership of State with India in 1947, was restricted to three issues and no one can deny this fact. Subsequently, some communal forces launched a movement of EK Vidhan, Ek Pradhan and Ek Nishan throughout the country which was against the special position of the State. As a result, Sheikh Sahib was arrested and sent behind the bars. Later on, in 1975 this position was again eroded by Indira-Sheikh accord. We were expecting from the personality of Sheikh Sahib who was a high profile leader of the State that he will get something for this State. But unfortunately Sheikh Sahib could get nothing except restoration of his chair from the Centre. We are not against the autonomy of the state but the situation prevailing in the State presently demands something else. The whole state is burning today and 70,000

people have sacrificed their lives and property worth crores of rupees has been destroyed.....

.....(Interruptions).....

For how long will Kashmiris have to be arrested and killed. You will have to do justice with the suppressed people. It is the need of the hour to talk to every class of the people if you are sincere to bring peace and prosperity in the State. The Central Govt. will have to change its attitude towards the State if they are sincere in the restoration of peace and development works in the State. Mere transfer of power and change in the administration is no solution to this problem. There must be a lasting solution to this problem which has been lingering on for the last 50 years and Kashmiri people are reeling under a sword on their heads for a pretty long time.....

.....(Interruptions).....

The Central Govt. has been trying to hold negotiations and I cannot say anything on it, if it is a political stunt and if they are sincere in it, they should invite all the forces and initiate a dialogue firmly and sincerely. These talks should be held with the real representatives of the people so that the incidents of killings of 10-20 people which we see daily is stopped. As I have said already that our party is not opposing the autonomy but at the same time I may stress upon the need for initiating a dialogue with the representatives of all sections of the people in order to create an everlasting peaceful atmosphere in the State. The retention of power has no significance in such a situation. You see that one of our colleagues Mr. Ghulam Hassan Bhat MoS Power was sitting in this House a few days before and today he is no more. This means that no one is sure today whether he will return to his home or not? This is the situation of law and order in the State for which we shall have to find any solution otherwise such a state of affairs will continue here. This situation has further deteriorated since the process of initiating dialogue was started and I don't know how far the Central Govt. is serious in the matter. As I have already said that the problem of J&K State is political in nature and needs to be solved on political level and not by the gun. Even the security forces and the army deployed here have accepted the fact that it is not their duty to get this problem solved by forces saying

that it could be solved on the political level. Thank God, the Prime Minister and Home Minister of India both are saying that they are ready to have talks on pre-1953 position and even the confederation. I hope that if they may be sincere in these expressions, the time is not far away when two neighboring countries India and Pakistan will extend the hands of friendship with each other in this way both the countries can progress ahead on the path of development. I fail to understand the strategy of NC and BJP parties here. On the one hand they are leveling allegations on each other and on the other hand they are the constituents of NDA and share power in Central Government. The people in the State particularly in the valley are being suppressed and killed every day and the situation demands for initiating some steps to heal up their wounds. I would request the State Government particularly the chief Minister that if they want to bring back peace and prosperity in this State then they will have to initiate a dialogue and there is no other alternative for it. No doubt, autonomy is also a good demand but I would like to say about the elections. I say it with full confidence that no election except in 1977 were conducted fairly and impartially in this State.....

.....(Interruptions).....

Mr. Speaker: Veeri Sahib, this has no relevance with the subject under discussion. You please speak on the subject.

Shri Abdul Rehman Veeri: Sir, the discussion is going on here since yesterday and I have not interrupted any member during his speech. Why are they interrupting, they must have patience to listen. Everyone has right to express his view points. I have myself contested the election as.....

.....(Interruptions).....

Thank God when I was outside the building where counting was in progress some officer came to me and said that there was apprehension of firing and I straight way went to D.C. Chamber and sat there in terror. Is there anyone who can claim that real democracy exists here?

Mr. Speaker: Your time is over. Please resume your seat. Now Mr. Rather will speak.

Shri A.R. Rather (Hon'ble Finance Minister):-

لوٹ کر کب آئے گی بے داغ سبزے کی بہار
خون کے دھبے دھلیں گے کتنی برساتوں کے بعد

Hon'ble Speaker, the issue under consideration of this House, is of extreme importance. Occasions like this come very rarely in the life of nation.

It is appropriate that you have called the special session to discuss this issue. Today I recall August 11, 1952. Our leader Jenab Sher-i-Kashmir Sheikh Muhammad Abdullah placed a resolution in the Constituent Assembly of the State about the Centre-state relations on the same day he made an explanatory statement. The members of the Constituent Assembly participated in the discussion, that followed on August 14, 19 and 21, 1952. I feel it is for the first time after those momentous days that an attempt is being made to place the constitutional relations between Kashmir and the Indian Union in their right perspective. The State Autonomy Committee report was placed in this House last year. Much was said about it. Yesterday there were speeches and newspapers made comments on these recommendations. Some commented favourably on the report and described it as fair. Some quarters expressed reservations as well. I would not comment here on the laudatory references, but would confine myself to the reservations and apprehensions expressed over the report in this house and outside. I would place my opinion before the House and, God willing, prove that all these apprehensions are unfounded and meaningless.

Sir, I would request the Hon'ble members to give me a patient hearing and at the end, if they have a question or need a clarification, I would be glad to respond.

Sir, it has been said that the National Conference leadership brought the autonomy demand for discussion to cover its weaknesses and divert the attention of the people from real issues. I would like to tell this House that our party is not making the demand of autonomy for the first time. If you want to know about the history of State's autonomy, it would be essential to study the history of National conference for that. Because National Conference and autonomy are complementary to each other. During this short speech it would be impossible for

me to go over the full details of history but I would invite the attention of the Hon'ble members towards some facts.

In 1951 when the Constituent Assembly of J&K state was convened, Sheikh Mohd. Abdullah had addressed the members and said "**You are no doubt aware of the scope of our present constitution.....**"

Mr. Speaker: From which page are you reading?

Shri A.R. Rather: Sir, it is page 116 of the state Autonomy Committee report.

"You are no doubt aware of the scope of our present constitutionalities with India. We are proud to have our bonds with India, the good will of whose people and Government is available to us in unstinted and abundant measure. The constitution of India has provided for a federal Union and in the distribution of sovereign powers has treated us differently from other constitutional units, with the exception of the items grouped under Defence, Foreign Affairs and Communication in the instrument of Accession. We have complete freedom to frame our constitution in the manner we like. In order to live and prosper as good partners in a common endeavour for the advancement of our people's, I would advise that while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel federal co-operation and assistance in this great task, as well as offer our fullest co-operation and assistance to the Union."

Shri Harsh Dev Singh: Mr. Speaker, we don't have the copy of what he is reading from. The copy that has been given to us does not contain it.

Mr. Speaker: it should be some other page.

Shri A.R. rather: I have a printed copy with me and I will give you that. Mr. Secretary, give him a printed copy please.

Hon'ble Members, our autonomy is very valuable. These were the ideas which Sheikh Sahib placed before the Constituent Assembly on

November 5, 1951. After that whenever we participated in elections, we spoke for autonomy. Have a look at the election manifesto of our party for 1977, 1983 and also see our election manifesto of 1987. In that we have mentioned autonomy at the outset and stated that our party will strive to restore the autonomy of the State which has been eroded. I want to tell those people who allege that we are raking up the autonomy issue to sabotage the dialogue between Union Government and the Hurriyat Conference, that we raised this issue as far back as in 1994 when the Central Working Committee of our party met in Jammu, the Hurriyat Conference was not even born. In that session our leader Dr. Farooq Abdullah had while, speaking on the political resolution, stated **“Hon’ble members, the people of Kashmir are desirous of peace, justice and dignity and the history of National Conference is a saga of struggle and sacrifice in pursuit of those principals. During the trying moments of last 5 years, I raised my voice within the State and out of the country for justice, security and peace for the people of this State. Occasionally, I kept meeting the rulers at the centre and kept exchanging views over the condition in this state with them. The focal point of all this interaction was that Jammu and Kashmir is basically a political issue and it must be provided a solution which is popular with the people and meets requirement of justice. I am pained by the fact that the policy of the Central Government on this issue has always been ambiguous, unclear and on occasions a victim of complication. The result of this was that the situation instead of showing improvement went on deteriorating. The issues instead of being sorted out got further complicated. I have told the Central Government in loud and clear terms that as much as a durable and acceptable solution to the problem is delayed, the situation would continue to worsen as much. I also told the Centre that the anger and the alienation of the masses is to be reduced. The political and cultural identity of the State would have to be revived and safeguarded, as had been promised by the Government of India at the time of accession. I have told the central leaders that the autonomy promised in the Constitution of the Country, solid as it should have been, has been hollowed and incapacitated. The assurance of autonomy was a tower of light for the aspirations of the State, but the elements who were a victim of political short sightedness and ignorant about the spirit of Constitution, continued the game of putting out this light.”** These were the ideas which Dr. Farooq Abdullah placed before the Working Committee of J&K National Conference. In the same session, the Working Committee

passed a resolution in favour of the autonomy. That was in 1994 when someone was talking about Azadi and the other advocating accession to Pakistan. Even at that time we stated that if there was a solution to this problem, it was restoration of autonomy. In that resolution we clearly stated **“At this sensitive moment we want to remind the Government of India that the people of the State had joined Indian Union on the basis of some shared principles. The Constitution got stability when the state of J&K and the Indian Union entered into an agreement in 1952 which is commonly known as Delhi Agreement. After that, the relations got disrupted because the Union of India did not stand by its assurance which resulted in the loss of Autonomy”**.....

..... (Interruptions).....

This is a resolution which is a public document.....

..... (Interruptions).....

Mr. Speaker: Rather Sahib; Mr. Khajuria, Mr. Ashok Sharma, do not sit on judgment on matters which are in my jurisdiction. Do not talk this.....

.....(interruptions).....

Mr, Sharma you are an Advocate. You sit and hear. You cannot sit on judgement on matters which are in my jurisdiction

.....(Interruptions).....

You sit down, you should learn how to speak in the Assembly.....

.....(interruptions).....

I listen to me, you are not in Kalakote public meeting. Hear me first. You should raise your finger, tell me I have something to say. I will give time. Mr. Rather Sahib, you have quoted two resolutions. One speech of Hon'ble Chief Minister as a President, another resolution passed by your party. You will supply copies and put it on the table. We will circulate among all the Hon'ble members for their future guidance so that they read those documents very carefully and then talk about them.

(90)

Sh. P. .Handoo (aw Minister) : Sir, I have not raised any objection to the point of Order raised by my learned friend. He is entitled to raise point of order. I have always been requesting you to use your tongue rather than your arm.....

.....(interruptions).....

et me talk now. In respect of published material, perhaps even the rules of the Business of this House.....

.....(interruptions).....

Shri Ashok Sharma: Hands down, hands down.

Shri P. .Handoo: Well said(interruptions).....please listen

In respect of published material perhaps even the rules have taken exemption. One can refer to a book and to a published material in the course of his submission in the House. Nonetheless, all the material which Mr. Rather is making use of shall be supplied. That is all.

Mr. Speaker: Yes

Shri Ashok Sharma: Sir, this is my point.

Mr. Speaker : Please take your seat. Mr. Rather continue your speech.

Shri A.R.Rather: Time has come that the situation is reviewed and the autonomy is restored in its initial and original form. For pleasant constitutional relations in future, doing this is inevitable. That would also be in accordance with the spirit of the unambiguous constitutional decision of the Indian Union, under which the State has been granted a special status. We also feel it necessary to emphasize that there should be a credible guarantee system about the constitutional relations between the Indian Union and State of J&K. I am referring to this fact to make it clear that National conference has not raised the issue of autonomy only now, but has always been making the demand. We demanded autonomy in 1994 and declared it as a solution to Kashmir problem when no one in the state could even talk of such a thing. I respect the Hon'ble Member Ashok Sharma and I want to remind him that in 1995 Sh. Narsimha Rao Ji who was the Prime Minister of India then, stated in the Parliament that **“So far as granting autonomy to the State of Jammu and Kashmir is**

concerned, only sky is the limit. In this context the Constitution of our country has a lot of room and short of Azadi, we are ready to give anything". The only personality in J&K who reacted positively to this was Dr. Farooq Abdullah. He suggested that the autonomy be restored and **"we are ready to work in the field, ready to work for the country".....**

.....(interruptions).....

Shri A.R.Rather: Please do not interrupt.....

.....(interruptions).....

I have told you if you have any question, ask them at the end of my speech, I will reply.

Mr. Speaker: Nobody can put the question. Do not make it a debating point. Sharma Sahib, your other members are also to speak. Brief them on all points, they can reply it, no this way, no interruption.

Shri A.R.Rather: But it is unfortunate that this sincere offer could not get appropriate response. After this we went to talk to him in Delhi, not once but 10 times we met him and his colleagues. We discussed with them but he did not keep his word. After that the Parliament elections were called and we said we are not participating in these elections. We would not go to the parliament unless you clearly talk about autonomy. Meanwhile, his government went and the united Front came in power. They said they would talk about Kashmir to the leaders of the State, but the leaders of different parties in Kashmir argue that the talks should not be held with National Conference. Negotiations should be conducted with such a party as would prove its representative character and, for that the Assembly elections are necessary. We said that participation in Assembly elections would be possible for us only if the United Front Government stated clearly in its common minimum programme that autonomy would be granted to J&K. They accepted it. Our party accepted the challenge. We went to the people and the first thing we told people was that if they elected us and gave us the power, we would begin with efforts to restore autonomy. On the slogan of autonomy, people gave us two-third majority. I want to remind the people who say today that the people of Jammu or the people of adakh are against autonomy, the National Conference got 15 seats in Jammu on the agenda of autonomy. Is there any other party which got 15 seats? We got 3 out of 4 seats in the adakh. Who can say that our party did not get a mandate

on the autonomy slogan ? In Kashmir we got 43 out of 46 seats. For God's sake tell me was this not a vote for autonomy? We had positively told people that we would work for autonomy. I would even read out our election manifesto here but I think it is not needed because all of you know that the demand for autonomy was on top of our election manifesto. People voted for our party on this issue. We got the number of votes no political party has ever got in a fair election. When we took over, the prominent leaders of the country came here and told Dr. Sahib that the entire country was with him. We faced countless problems at that time. There were problems relating to law and order. There was a financial crisis at our hand. Problems about our economy. Accountability was non-existent. We faced these problems but we did not forget autonomy immediately after coming to power, Dr. Farooq Abdullah appointed a Cabinet sub-committee. That committee was entrusted with the job of appraising the initial quantum of autonomy and the erosion it had suffered and find ways as to how it could be restored. All these questions were placed before the committee. Now you are asking as to how the Chief Minister appointed the committee from his own party only. For God's sake, tell me could we include those people in the committee who are against autonomy? And when we have promised restoration of autonomy to the people, this work could have been entrusted by Dr. Abdullah only to those people who were in its favour.

Had Ashok Sharma Ji been on that committee, it would never have been able to complete its task. Thank God, the report of the committee was prepared and is now under discussion in this House. Even today if someone points out anything which is factually or historically wrong in the report, I will apologize and correct the mistake.

Some people are saying that the committee took too long to prepare the report. I want to tell them this is not an ordinary business. These are national issues, knotty problems. Nothing had been done till now on this issues. I say it with confidence as member of the committee that the only document prepared on the subject after 1947 is the State Autonomy Committee report which is before you. It took two years and two years is not too long. I want to inform the House that the main committee held many meetings and discussed the issue. After that the drafting committee was constituted which met at least 50 times, often going into mid night and beyond. This could be completed only then and it was not an easy task.

I want to tell that we had to scan every library from here up to Delhi to make this report possible for a copy of which my brother Harsh Dev Singh is longing and he is longing genuinely. Restoration of autonomy is our promise and we stand by our promise. God willing, this promise will be fulfilled and we will go to our people again with heads high. Autonomy report is now before the people of the State, before the people of the country and the Government of India. We make an appeal to all of them to point out if they find anything against the Constitution of India or interest of the country. I want to make it clear that in no case do we want to violate the Constitution or hurt the national interests.

Mr. Speaker: One Minute Hon'ble Rather Sahib, ... what is your point of order, Harsh Dev Singh Ji?

Shri Harsh Dev Singh: Sir, my point of order is that opposition should be given more time to express their view on it, because they had already presented this report. We want to make arguments which are required to be entertained and accommodated.

Mr. Speaker: You will get your time, do not worry. I am deducting this time from here, what bothers you?

Shri A.R. Rather: The second thing which is being said by opposition in and outside this House as Veri Sahib, said that a dialogue on Kashmir was about to start and the National Conference wanted to create hurdles in that and at this stage autonomy issue should not have been raised. What a strange logic? I want to make it clear that autonomy is our political agenda. We cannot make this political agenda subservient to anybody and neither shall we. If Government of India wants to talk to someone, let them do so and do it gladly. How do we stop someone. Do we hold a gun that we would use to stop any talks. We are fighting a constitutional battle for autonomy and we will continue it. Those who want Azadi may ask for it. Those who want to grant it may as well do so. We have no concern with that. For us and our party, autonomy is the only solution to Kashmir problem, and we want that the Government of India fulfils the promises it has made to the people of the state. It is said that doing so, would make the country weak. How strange? Fulfilling commitments makes nations strong, instead of weakening them. Their credibility increases and so does their dignity among the international community.

It is also said that granting autonomy to Kashmir would open a Pandora's box and that other States would start making similar demands which cannot be brushed aside. Those who talk like that are ignorant of history. I would advise them to use some time for studying history. They will have to see under what circumstances we established the State's relationship with India.

Please tell me which State other than J&K had negotiated the terms of membership for joining the Union. J&K was the only State which held protracted negotiations with the centre for achieving a special status. The talks continued for five months. Sher-i-Kashmir and his colleagues started the talks with Central leaders on 15th of May, 1949 which concluded on 11th of October, 1949. History is a witness that every line determining the relations between the centre and the state was discussed even 10 times before finalization. Yesterday Shah Sahib mentioned Article 306-A which became Article 370 later. The draft Article 370 was changed five times before giving it a final shape. This gives an idea as to how much effort and energy went into the establishment of a relationship with the centre. You are trying to measure us by the same rod which you use for other States. But, tell me, which other State in the entire country did not sign an instruments of merger? it was only J&K State which did not sign that instrument. The Maharaja signed only an instrument of Accession. But, I will come to that later. However, he made it clear that the powers that had been surrendered to the centre under the instrument of Accession had an element of finality. Beyond that it would be may discretion to enter or not to enter into an agreement with the Government of India and neither would there be any limit to my discretion on this. He made it clear that no provision of the instrument of Accession would bind him to accept any future Constitution of India.

Another view that is being expressed is extremely irresponsible and sad. My colleague and friend Shafi Sahib told me that two leaders from the State were on the Zee TV yesterday and stated that the demand for autonomy made by the people of J&K was ridiculous because the internal resources of the state are not enough even to pay the salaries of the State government employees. I pity their understanding, for their ignorance about the Constitution and affairs of the State. They perhaps think that the funds that come from Delhi are a kind of a dole. For understanding facts they will have to study the Constitution of India. They will have to study in detail especially

the Articles from 268. It has been explained in these provisions as to how the income accruing to the Centre by way of taxes would be disturbed between the centre and the State. I too contribute to this national exchequer. You contribute to this national income. The people of the state as well as the country contribute to it. Therefore, this money belongs to the entire country, it is not a private chest of any ruling party at the centre. I do not mean any particular ruling party, whichever it is. This money belongs to every resident of our country and the founding fathers of the constitution.....

..... (Interruptions).....

Mr. Speaker: Choudhary Sahib sit down, take your seat, I do not like this don't write.

Shri A.R. Rather: Sir, what I wanted to say is as to how the revenue collected by way of central taxes is to be distributed. The Constitution has made this scheme clear. It is stated in the Constitution that some duties or taxes are such as are imposed by the centre but collected by the States and appropriated by them as well. Some taxes are such as are collected by the centre but are to be distributed between the Centre and States. The distribution is made by the Finance Commission which is appointed after every five years and it is this Commission which sets the standards for distribution of the taxes in divisible pool taxes between the Centre and States.

Mr. Speaker: One minute, Rather Sahib, I may tell you that last evening two prominent leaders were on the ZEE TV. I am surprised to hear from a very learned man, eminent advocate, that 145 section of our state constitution prohibits introduction of any legislations regarding future dispensation of the state in the Assembly. What is 145. It is about the official language. They are duping people. I heard it myself. I was surprised. You have a right to speak (addressing the opposition). But if you distort an issue and take it to people they would not accept it. The press will make fun of it and say what is this. So, raise the level. Be true to this book. Be true to the documents available to you, Constitution of India and other documents. You must be faithful and truthful. That is all what I say. Wrong statements will make us a butt of ridicule among the people. Rather Sahib continue your speech.

Shri.A.R.Rather: I was making the submission that the funds devolving to us from the centre is our constitutional right. It is true, not of J&K alone, but of any other state and that it is no favour to them. This money is given to us under a scheme, which is a part of the Constitution of India. Those who swear by the Constitution must respect it as well. They should never repeat the line that since the state receives money from Delhi, the people here cannot demand autonomy. I want to state that even if the provision of funds were totally at the discretion of the centre and if we were asked to surrender the public interest and popular demands in lieu of these funds, we would even then not do so. We are ready to offer biggest sacrifice and in no case would compromise people's interest. We are as good citizens of India as any other person is,. We have willingly acceded to India after considering its pros and cons. We have the right to get our demands accepted through constitutional means. The brave workers of National Conference have always guarded the people's rights and given sacrifices for it. In future also they would not desist from making any sacrifice.

Mr. Speaker: Rather Sahib, have you finished?

Shri A.R.Rather: No sir, I have yet to start the speech. So far I am only replying to points raised by them.

Mr. Speaker: Please conclude, you have taken enough time. You took more than half an hour. You conclude.

Shri A.R.Rather: My party gives me the time.

Mr. Speaker: Should no other member of your party speak?

Shri. A.R.Rather: et them speak, it does not matter. If my brothers agree with me then I would speak. So the issue is that who is responsible for the loans in the debit side of the state's account, as was being discussed on the TV yesterday. Sir, I want to bring it to your notice that before 1969 a survey was conducted in our country and some states were identified as special category states. They have their peculiar problems for the solution of which special measures were needed. It was decided that these states would be given

90% of plan assistance in the shape of grant and only 10% would be considered as loan. The states covered under this category included J&K, Hp and North Eastern States. But the treatment that other states received since 1969, was not meted out to our state. We received 30% of the plan outlay as grant. The remaining 70% was considered as loan whereas other special category states received 90% as grant and 10% as loan. This was a clear discrimination. We cried ourselves hoarse. We tried to convince the central government and this was a very genuine demand. Convince us or get convinced. But they were not satisfied.

At last, in 1991 the gun convinced them. It is a real misfortune that they listen to the language of gun alone. The gun had its impact and we got the treatment in 1991. Between 1969 and 1991, the 70% loan component of our plan allocations kept increasing as a result of interest chargeable thereon and it become a huge amount. We kept telling successive Governments but no one agreed. Mr. V.P.Singh as the PM did it in 1991. In 1987, when he was the Finance Minister, he said, "it cannot be done" but in 1991, perhaps after seeing the gun he agreed. The debts outstanding against our state are a result of their mistakes. We told the Finance Commission also. What is our fault? Who is at fault, if you did not give us a treatment as special category state to which we were entitled?

It is also said that only someone who is an antinational or an enemy of the country would demand the autonomy. It is being alleged that talking of autonomy is against the national interest. I came across such statements from people who are holding responsible positions. Such statements are extremely unfortunate. If I get an appointment I will speak to the PM and tell him that such utterances can set fire. Are the people of J&K now anti national after having changed the course of history in 1947? They acceded to India in spite of the Muslim majority, Pakistan expecting our decision to be in their favour.

Dr. Farooq Abdullah went to the United Nations to represent India along with then opposition leader Mr. Vajpayee. We respect Vajpayee Ji and will continue to do so. He is a great personality. On his return to India he said "I want to say in clear terms that nobody could have represented India better than Dr. Farooq Abdullah". But today the people of Mr. Vajpayee's own party are

trying to belie him. When Dr. Abdullah speaks about the interest of people and their rights, he is labeled as anti national. Where this country would go. Who will work for this country? Who will die for the country? Thousands of National Conference workers were martyred. That they kept the banner of country aloft; was their only fault, and nothing else. Dr. Farooq's relatives were killed . My relatives were killed. Our homes were burnt. We sacrificed everything for this country and today when we are telling the centre to fulfill its promise, we are labeled as anti national and it is said that we are talking against the interests of the country. We will go to the people of India and explain to them our position.

At the time of accession what had they told us? What statements did Mr. Nehru and Ayanger Ji make in the parliament at the time when our constitutional relations with the Union of India were taking shape? Today when we make an effort to recall those promise and ask them to do justice, we are dubbed as anti national, India is a large country, and it is a great county. It is emerging high among the comity of nations. But it does not behave you to label this colleague of yours (pointing to Dr. Abdullah) as anti national. He has staked everything for you. Today when he talks of his rights, you say that you would not allow the State to be divided on religious lines? What religious issues have we raised? When did we say divide the State along the religious lines? We are just saying please read the autonomy report. Please restore the autonomy, the autonomy that is consistent with the instrument of Accession. We have referred to the document that is the basis of constitutional relations between the State and India. You perhaps don't have the realization of the dangerous consequences of your inability to follow the Instrument of Accession. You are shaking those very foundations on which rest the relationship between the State and the Centre. The Maharaja who incidentally was a resident of Jammu, signed the Instrument of Accession.

I want to quote some excerpts from the Instrument of Accession. We are dogged by misfortune in the sense that when we read the Instrument of Accession, we confine it only to the first line, which says, " I hereby declare that I accede to the Dominion of India:. Having read this, we close the document. We do not go beyond this. I will point to one or two conditions that follow the first line of the document Clause 3, 5 and 7.

Clause 3 : “I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion legislature may make laws for this State:.

I continue,

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

It further says,

Clause 7: “Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future Constitution.”

It should become clear that we are taking the position that our autonomy should be consistent with this document that is, autonomy should be in consonance with the Instrument of Accession. I hope our friends in the opposition would not court danger by saying that they do not accept the Instrument of Accession at all. I am sure they would not take that risk.

Second thing, which we say is that this autonomy, should be consistent with the Presidential Order of 1950. The President of India issued a Constitutional Order in 1950, which is strictly on the lines of the Instrument of Accession of 1947. Our demand is that the autonomy should as well be in consonance with the Presidential Order. The third thing that we say is that this autonomy should be consistent with the Delhi agreement of 1952.

About the Delhi Agreement it was stated here that it was an agreement between two individuals, Sheikh Sahib and Nehru Ji. I want to tell these friends that they should study the history in this regard. After having been signed, the Delhi Agreement was presented in the Lok Sabha on July 24, 1952 by the Prime Minister of India Mr. Nehru. It was debated and after much discussion the Lok Sabha adopted it. The Rajya Sabha discussed the agreement on August 5, 1952 and approved it. On August 11, 1952, Sher-i-Kashmir presented it before the Constituent Assembly of the State which also gave its approval.

How can we, therefore, say that it was an agreement between Nehru Ji and Sheikh Sahib and confined to them alone? This agreement was approved by the Parliament of India and the Constituent Assembly of J&K. How can you deny history? Whatsoever you attempts, this reality cannot be negated.

Another objection is that according to you we want to end the jurisdiction of Supreme Court over the State. In this connection I would advise you to go through the Delhi Agreement to know that we have accepted the original jurisdiction of the highest court. We have also accepted the original jurisdiction of the Supreme Court under Article 131 of the Constitution of India.

The issue regarding fundamental rights was also raised here. Ashok Sharma Ji, the Hon'ble member is an advocate as well. He said that if the autonomy report was accepted, the Supreme Court would lose its jurisdiction in respect of fundamental rights. Want to tell him this information is not correct. The Delhi Agreement concedes the authority to Supreme Court about fundamental rights. However, in this connection there was just one suggestion which was not conceded at that time. Though it was not rejected, but simply deferred. The GOI had at that time proposed that the Board of Judicial "Advisors which existed in the State of J&K then, should be abolished and its powers be vested in the Supreme Court so that the Supreme Court gets the authority to hear criminal and civil cases in appeal. The State representatives suggested that this issue required a detailed consideration and therefore, a discussion on this should be deferred. So that happened. Sheikh Sahib said, "the issue is very important. It should be further examined and thought over. After that we will again talk to you." But, soon Sheikh Sahib was removed from the scene. They had something else-up in their sleeves. In presence of Sheikh Sahib that could not be executed. Neither would his colleagues have allowed that. So he was sent to jail along with his colleagues. I am going to tell you about the betrayal which the people of this State were subjected to. But I will as well tell you.....

.....Interruptions.....

Shri Ashok Sharma: Regarding Article 226 of the Constitution of India, you have said that we want to rescind this so that the High Court will not have any jurisdiction to invoke re-jurisdiction."

Shri A. R. Rather: It is not the issue of rescinding something. So far as our party is concerned, we stand by the commitments made by our leader. Whatever we had agreed to is all right. We say that our autonomy should be consistent with the Delhi Agreement of 1952 and the Instrument of Accession. At the same time of Delhi agreement whatever matters had remained inconclusive, we can talk about them even now. At that time the issue of Sadar-e-Riyasat was discussed and they agreed and said it was a good idea that you should elect your own representative. I am surprised why you should be against the Institution of Sadar-e-Riyasat. If we can get a resident of Jammu and Kashmir State who understands the situation better and understands our problems then they should we insist that he would be an outsider ? Angles would not come from outside.....

Shri Ashok Kumar Sharma : Sir, the recommendation says that we will rescind Article 226 of the Constitution of India, which powers to the High Court and right to any individual to file a Writ Petition before the Hon'ble High Court, any High Court of the Country including the High Court of J&K. I refer that if you want to rescind this Article and your do not has any chapter so far the.....

Mr. Speaker : You resume your seat. Don't misquote it. You are an advocate. You first read Article 226. Read it now. It is not that what you interpret it to be. It already gives powers to High Court. High Courts are not devoid of powers. You have not given them powers. I have not to give them powers. It is the Constitution of India that gave them powers. So how is that relevant.....

.....(interruptions).....

Shri Ashok Sharma : Sir, we have said in the Autonomy recommendation that Article 226 and section 3 of Constitution of J&K, both these.....interruptions..... so you want to rescind this.

Mr. Speaker : Article 226 is altogether different. It has the inherent powers given by the Constitution of India. Do not misquote it. You resume your seat. Rather Sahib, you continue.

Shri A. R. Rather: Sir, fundamental rights were referred to here. It was all alleged that we wanted to scrape fundamental rights and that we do not want to given any basic rights to the people. We have said nothing of that kind. We have accepted the fundamental rights, which

are enshrined in the Constitution of India. But Sheikh Sahib during the debate on Delhi Agreement in the State Constituent Assembly had said that we are demanding that the fundamental rights should constitute a chapter of the State Constitution as well. But no decision could be taken. At that time it was decided that the chapter on fundamental rights could apply to our State as well.

You referred to the citizenship issue. The citizenship issue was resolved during the Delhi Agreement itself. If you go through the Delhi Agreement you will know that in very clear terms have we stated, we are the citizens of India and shall continue to be. So there is no scope for any doubt.

About the national flag we said that in our State it has an important and distinct place but because of certain historical reasons we will have the State flag side by side with it.

In the Delhi Agreement it was also decided that the powers to pardon or grant remission I life sentences would remain with the President of the Republic.

On the financial integration no decision could be taken. The parties had agreed that before arriving at a decision the matter would have to be examined in detail. The emergency powers were discussed. So was the conduct of elections discussed and an agreement arrived at. I have briefly placed before you certain features of Delhi Agreement and therefore, you need not harbour any worries.

Now, we come to a very important matter as to what happened after Sheikh Sahib and his friends were imprisoned. First, it is not fully clear as to why Sheikh Sahib was arrested. What was his crime ? It was perhaps because he had established a relationship between the State and India. If feel he had committed no wrongs. Yes, of course he was reminding the Central Government of its promises. Perhaps that was his crime. Anyway, whatever it was, you expressed repentance over it in 1975 and felt that without Sheikh Sahib nothing could have been done.....

.....Interruptions.....

How else could you have expressed your regrets ? Anyway, while arresting Sheikh Sahib, you removed a Prime Minister from his office

and for removing the Prime Minister you did not go to the Assembly to seek its approval. He was not only a Prime Minister, he was also leader of the Constituent Assembly; a body that had been given the task of evolving a strong and harmonious relationship with India. You did not incarcerate only the leader after dismissing him but did not spare other important leaders of the Constituent Assembly as well. I want to tell you what you did after that. What you did and how you did it ? You did it in hurry and committed mistakes. When a thief runs away he leaves behind some evidence. I will point to those clear mistakes, which work as evidence against the thief. Those evidences continue to be available.

All of you must have studied the Article 370 of the Constitution of India. In this Article it has been accepted that the State of Jammu and Kashmir will have a separate Constitution. Whereas in respect of other States the Constitution of India contains provisions for governing them, we have our own Constitution and this is an established fact.

Another thing is that the Parliament's legislative powers viz-a-viz the State would be restricted to three subjects, which are Defense, Foreign Affairs and Communication. The President can apply other matters to the State provided that they are related to such subjects, which have been detailed in the Instrument of Accession. In all those matters only a consultation with the State Government will be required because the State has already, accepted those subjects through the Instrument of Accession of 1947. First order of this kind was issued by the President in 1950, which is known as the Constitutional (Application to Jammu and Kashmir) Order of 1950. So we say we have no objection because it is in accordance with the instrument of Accession. But there is a third thing also written in this provision, that if there was a need to extend other constitutional provisions to the State, it will require prior concurrence of the State Government. But Article 370 (2) makes it clear that the concurrence of the Government will be subject to approval by the Constituent Assembly. It is evident that the authority to give concurrence, which was given to State, was a temporary measure and ended with the first session of the Constituent Assembly. This point needs a detailed explanation.

During the negotiations with Sheikh Sahib it was decided that it would be the Constituent Assembly, which would determine as to what more powers could be transferred to the

centre. But the Constituent Assembly was yet to be convened. I am talking of 1949. he said, "it would take time to convene the Constituent Assembly. If in the interim period, the Country and the State needed some provisions of the constitution to be applied to the State how that could be done" ? The central leaders advised Sheikh Sahib that it would be done with the concurrence of Government. First Sheikh Sahib did not agree. He said how could the State Government be competent to give concurrence. Sovereignty lies with the people and it would be the people who could decide. But since you cannot consult each individual, it would be proper to ask the people's representatives I the Constituent Assembly. Since the Constituent Assembly was not constituted yet in 1949 so it was decided to give the authority to the State Government as an interim measure. However, Sheikh said that the condition would be that when the Constituent Assembly is formed and convened, all the decisions in this regard taken by the State Government till then, would need ratification by the constituent Assembly. That was the decision. The suggestion made by Sheikh Sahib received endorsement and I want to inform you who all seconded it. Mr. Ayyangar supported it fully. It is necessary to understand this subject because as one would need to know the alphabets of a language to read that language it is essential that we go through the history in order to understand the constitutional relationship between the Centre and the State. Therefore, I would quote briefly, some of the observations made by some respected leaders.

Mr. Ayyangar said in the Constituent Assembly on October 17, 1949 "**we have also agreed that the will of he people through the Instrument of the Constituent Assembly will determine the Constitution of the State as well as the sphere of Union jurisdiction over the State....You will remember that several of these clauses provide for the concurrence of the Government of Jammu and Kashmir State. Now, these relate particularly to matters which are not mentioned in the Instrument of Accession, and it is one of our commitments to the people and Government of Kashmir that no such additions should be made except with the consent of the Constituent Assembly which may be called in the State for the purpose of framing its constitution. In other words, what we are committed to is that these additions are matters for the determination of the Constituent Assembly of the State.**"

Thus, Mr. Ayyangar has made it clear that the authority of the centre can be extended only by the Constituent Assembly of the State.

Pt. Nehru Ji has also expressed similar impressions. As I said earlier the talks between the Central leadership and Sheikh Sahib and his colleagues started on 15th May 1949. Pt Nehru communicated the decisions that were taken on May 15 and 16 in his letter to Sheikh Sahib on May 18. It says, **“The State was to have its own Constitution and it will be for the Constituent Assembly of the State, when convened, to determine in respect of what other subjects the State may accede.”** It meant that it would be the Constituency Assembly that could decide about additional powers, which could be transferred to the Union. Sheikh Sahib made similar observations in the State Constituent Assembly that could decide about additional powers, which could be transferred to the Union. Sheikh Sahib made similar observations in the State Constituent Assembly but in slightly stronger words. On August 11, 1952 while addressing the Constituent Assembly he said, **“ I would like to make it clear that any suggestions of altering arbitrarily this basis of our relationship with India would not only constitute breach of the spirit and letter of the Constitution, but it may invite serious consequences for a harmonious association of our State with India.”** Today you are seeing that things happened as Sheikh Sahib had apprehended. He had articulated it very clearly. And the reasons for our problems are that commitments were not fulfilled.

After the dismissal and arrest of Sheikh Sahib in 1953, the Centre took concurrence from the so-called Governments of the State and the autonomy suffered constant erosion. There is no doubt that the fact that the Order of 1954 was issued on the recommendation of the Constituent Assembly. But , on the recommendation of which Constituent Assembly ; It was the recommendation of a flawed Constituent Assembly, which did not have Sher-i-Kashmir in it. Neither were his other colleagues and important people around. It was that constituent Assembly which accorded approval to the constitutional relationship between the Centre and the State of Jammu and Kashmir. Unfortunately, the entries of Union list in the Order of 1954 are not in conformity with either the Instrument of Accession or the Order of 1950. Therefore, the erosion of autonomy began with that. Still under 1954 Order, the Concurrent list was not applied to the State. Nice, State list was also not made applicable at that time. We had only a Union list and the residuary powers were with us. Article 249 was not made applicable to our State at that time, neither was the Article 356. At that point of time the constitutional provision

governing the Central services too had not been extended to our State. All these things happened late and the haste with which all the 'tamasha' was enacted makes our head bow in shame. What happened sir, after this ? We were talking of Instrument of Accession. As many as 260 provisions of the Constitution out of 395 have been extended to our State. Almost the entire Union list is now applicable to J&K 94 out of 97 entries. In 1963, the Concurrent list was also applied 26 entries out of 47. Seven schedules out of twelve were applied. The document on autonomy will guide you about the details of what happened without us.....

....(Interruptions).....

A copy has been given to each one of you. After going through it you can yourself imagine what all has happened and then make a fair conclusion.

Mr. Speaker: Mr. rather please conclude your speech. There are other speakers as well who should get the opportunity. You have taken enough time. It is a question of division of time. I have given you enough time, now you please conclude your speech. I have to be fair to all the sides.

Shri A. R. Rather: Sir, I need only 15 minutes more to complete my speech.

Dr. Farooq Abdullah : Sir, can I make a request ? If he cannot conclude his speech, let him continue this discussion. I will give him fifteen minutes of my time, for that I will speak the least, because if think he has to say something more. He is well versed with the subject.

Mr. Speaker: O.K I given you another 15 minutes but note the time and conclude within 15 minutes.

Shri A. R. Rather: Sir, I want to invite your attention. You are a legal and constitutional expert. The Constituent Assembly of the State framed the Constitution of the State and ceased to exist after that. Even after that, the concurrence of the State Government was obtained for extending the authority of the Union. It was stretched so much that even during the Governor and President Rules, the Governor said that he was the Government and gave concurrence. This

was done even as the term "Government" is clearly defined under Article 370. This Article provides : "For the purpose of this Article, the Government of State means the person for the time being recognized by the President on the recommendations of the legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office."

Therefore, we emphasize that you should go through Article 370 and understand it correctly. The Governor said, "I am the Government" and granted concurrence. Hon'ble members Harsh Dev Singh and Sharma will agree with me about the importance of Article 249. This Article of the Constitution was made applicable to J&K with the concurrence of the Governor. By that provision the Parliament was authorized to make laws on any matter concerning the State if the Council of the States or the Rajya Sabha passes a resolution to that effect. When the Governor gave concurrence to it, Mr. Mohammad Shafi and I cried and protested. Mr. Handoo is a witness. I said the Constitution was being torn to shreds. "What is this happening" ? We decided to go to the Court of law against this order. In this connection, we required a copy of that Presidential Order. I am talking of 1986. We could not get a copy of that order for a full fortnight. If you are trying to apply the Indian Constitution here, do it openly, if the Constitution permits it. But tell the people what you are doing. Why are you surreptitious ? It appeared that they had a guilty conscience and that is they were given a copy of a long time. Ultimately we filed a writ petition. You might be thinking that we are discussing the issue only now but we had challenged it then and there. Time will give its judgement and we leave these things to the coming generations to decide.

Certain quarters are demanding the scrapping of Article 370. It is pure emotion. It is written in Article 370 itself that President can abrogate this Article. But, for that a recommendation of the Constituent Assembly is essential. Since a Constituent Assembly is not in existence now, therefore, there is no question of abrogating Article 370.

Another point that was sought to be made by the friends yesterday, was that Article 370 is a temporary provision. I want to state that the word 'temporary' has a background about it. Article 370 was finalized before November 26, 1949, even though it became a reality

on January 26, 1950. the constitutional relationship between the centre and the State was to be given a final shape by the Constituent Assembly of the State and it had not been convened yet and its recommendations were awaited. Therefore, it was rightly thought that might be the Constituent Assembly makes any amendment or alternation or may be it may recommend the scrapping of Article altogether. That is why this Article was termed temporary. But the Constituent Assembly dispersed without any recommendations on this. Now you yourself can judge whether this Article is permanent or temporary. It is a permanent provision now and no power on earth can change this reality.

Under our Constitution, we used to have a Sadr-i-Riyasat who was elected by this House. We used to have our Prime Minister as well. Our Constitution has a chapter on directive principles. It provides for an independent judiciary. And, another important feature of it is covered under Section 147, which provides the mechanism for amending this Constitution. This provision makes it clear that certain provisions of the Constitution cannot be changed and they constitute its basic pillar. Among the provisions which cannot be amended is Section 3 which says that J&K is a part of India. Nobody can challenge it and the Section cannot be changed. Another un-amendable provision is the Section 5. Section 147 can also not be changed under any circumstances. This Section contains the designation of Sadr-i-Riaysat. The congress activists were very enthusiastic in 1965. their slogans were, "Amend the Constitution, amend it wholesale". At that time they introduced sub clause (3) to section 2 of the State Constitution which said that wherever the word 'Sadr-i-Riaysat appears in the Constitution, it should be read as 'Governor'. At that time they did not consider the fact that section 147 is immutable. No amendment can be done to this section. This provision too contains the term Sadr-i-Riyasat. They could not understand that amending the State Constitution would not effect the Constitution of India. The Article 370 of the Constitution still contains the word 'Sadr-i-Riyasat' as it could not be changed. The legal experts will have to ponder over this.

May I also ask as to why we believe that the Head of the State who comes from Delhi will be competent or, the law that will be framed in Delhi will always be good. Will that be a good law only for its beautiful printing or because of the majestic Parliament building ? Will that make the laws framed in that building attractive and the people working there angles from the

heaven ? Can they think better than us ? Many people from us have gone there as our representatives. So, some of the lawmakers are from amongst us also. It is not necessary that the person who comes as a Governor from there, has all the good attributes and he can never commit a mistake. We have seen many Governors. Some of them were very good but about some the less said, the better it is.

Just thirteen persons went to a Governor and he administered them oath. All of them became Cabinet Ministers. The Chief Minister was removed and the legislature was not even taken into confidence. Our Law Minister Mr. Handoo kept shouting "Go and ask the House. If you do not choose to go to the House, then go to the people of the State, nobody is with you," But the Governor remained unmoved. In absolute contempt of democratic norms a Government was constituted. We have seen such Governors also. Had the Governor been accountable to this House, had he been a Sadr-i-Riyasat elected by this House, he would think ten times before committing a mistake. He would think of how he could justify an undemocratic act before this House.

.....interruptions).....

ala Shiv Charan Ji can be proposed as Sadr-i-Riyasat. Harsh Dev Singh or Prithvi Chand can also be the candidates.

I have kept the history before you, may be I said something bitter as well. But shouldn't we assess as to what we have lost and what we have gained....

.....(Interruptions).....

You are calling us anti nationals. But listen to me with attention. You are calling us anti national but I will narrate to you a small story Hon'ble Speaker, Sir, they allow me to speak. I know they are frustrated, they have no argument left, I know that.....

When Jyoti Basu calls for scrapping of Article 356 or abolishing of Governor's Institution or, when he questions the application of Article 249, nobody has the guts to call him anti national. If my leader Farooq Sahib or a worker of his party uses the same words they become anti national. Sir, last year on the instructions of Dr. Abdullah I went to Kanchipuram, Tamil

Nadu to attend a conference on autonomy. Two lakh people attended the conference. They were all demanding autonomy. MDMK party convened the conference. Mr. Vaikoo who heads it is a very fine person and our friend. He is the friend of the Prime Minister, the Home Minister and other central leaders as well. Please listen to the demand that was made in this autonomy conference **“The MDMK feels that all recommendations of the Raja Manar Committee should be implemented in full and further recommendations with the aim of setting up a true federation, the federal government having the powers only related to the defense, foreign policy, inter state communication and currency and the State having all other powers including the residuary powers.”**

The MDMK wants the following changes to the constitution. And what changes they were demanding. Scrap Article 249 ; abolish Article 356 ; the Institution of Governor....

.....(Interruptions).....

Our demands are similar but we cannot speak. If you can call them anti national, I would say you are really brave. Branding a Kashmiri Muslim as anti national is the easiest thing....

.....(Interruptions).....

Shri Shiv Charan Gupta : Do you want to break India ? You too want Pakistan.....

.....(Interruptions).....

Shri A. R. Rather ; I am an Indian and want to strengthen India. But I'm against communalism.....

.....(Interruptions).....

Anna says our constitution is federal but in actual practice it intends to get more and more centralized.....

.....(Interruptions).....

Call him anti national and I will consider you to be really brave.

Sir, I intended to speak more on the subject as a total satisfaction continues to allude me. I would not, however, bother you any more and with the grace of God shall seize some other opportunity to address the remaining points as suggested by the leader of the House. With these submissions I conclude.

Ch. Piara Singh :-

بہت شور سنتے تھے پہلو میں دل کا
جو چیرا تو اک قطرہ خون نکلا

Sir, the Autonomy Report which is under discussion here today is nothing but a futile exercise. If you go through it minutely and analyze it in a realistic manner, you will find nothing in it except an attempt to befool the people. For whom they are demanding this Autonomy ? The Hon'ble Finance Minister was just now speaking of the Muslim Community which he should not have done. There are some 15 crore of Muslims living in the country and more than 40 lakh Muslim reside in J&K State. Have they made him their spokesman ? I don't suppose that the ruling party has been given the mandate by this community to plead on their behalf. The present Government assumed the power some three and half years back and during his period of gun culture thousands of people including Hindus, Muslims, Sikhs and those belonging to other communities were massacred. My submission to the Hon'ble Chief Minister is whether during these three and half years of insurgency, he has ever made any effort to consult 87 members of this House in order to find a solution to this problem. It is said that the militants are the people who have infiltrated to this side from across the border. But I would like to ask them who is responsible for that, the Government or the security forces guarding the border ? The Constituency which I belong to is more affected by the militancy as compared to other areas of Jammu Region and I am apprised of the whole situation as to who is anti-national element there. Some two years back I had told I.G Police regarding the infiltration of militants and smuggling of arms and ammunition loaded on the camels from across the border which was supplied to some people of Bhandindi area. But the Government took no notice of it till a stage came that the forces along-with our State police personnel seized these arms from this area. What I mean to say is that every M A knows about the integrity of the people of his Constituency and the Hon'ble Chief Minister should have taken all the M A's into confidence in order to stop this gun culture. These infiltrators don't live in any hotel here rather it is the people among us who provide them boarding and lodging facilities. No doubt the people are afraid of this gun culture and they are compelled to provide them shelter at the point, but

there is a solution to it. They can constitute V.D.C in Valley also as it has been done in Doda, Kishtwar and Bhadarwah so that the people who are afraid of the guns can face the challenge. The topography of our State is quite different as compared to other States of the Country and perhaps for this very reason our State enjoys a special status under Article 370 of the Indian Constitution. But one thing we will have to agree is that there is no Article 370 in the States like Haryana, Punjab or Himachal Pradesh which have Industries on National level. The provisions of this Article debar a capitalist to come forward in this State for investment in order to set up any industry here which has, to a great extent hampered the development of our State in the Industrial Sector. Yesterday, Mr. Ajay Sadhotra said here that the National Conference Government is giving equal treatment to all the three regions of the State but let me explain some facts in support of my argument that he was not correct in saying so. The refugees of 1947 to 1971 who had come from Muzafarabad or Sakhar etc. were not given the proprietary right here. A vast area of land belonging to Maharaja or the Hindus was occupied by these refugees but Beigh Sahib did not allow them to settle here and sent them to Jammu. They were the refugees of the State and no one had any right to deny them to settle in the Valley ? There are three categories of refugees, those of 1947, 1965 and 1971. No proprietary rights have been given to them despite the fact that they do not belong to Sialkot but are our own people. This is the justice you are doing with these people. Another instance of injustice being done with these people is that recently some 365 Class IV Employees in Education Department were ousted by one stroke of pen by the Principal Secretary Miss Sushma Ji. These employees had been working for more than 10 months and got this job after passing graduation and post graduation. The irony is that even the salary for these months was not paid to them. This is the justice done by you with these people. As against this more than 4000 Class IV employees were appointed in the Valley by the Z.E.Os and T.E.Os.

Dr. Farooq Abdullah (Hon'ble Chief Minister) : For the information of the Hon'ble Member I would say that the matter is already under the consideration of the Government. It was done by the Court and the Government is pursuing the case and these people have been employed by the Government and it is going to take steps. So please don't misunderstand that we are in any way trying to be different.

Ch. Piara Singh ; Sir, I am very thankful to you but at the same time I would request that the bureaucracy keep you in the dark and conceal the files.

So far as the Autonomy is concerned, the Finance Minister made a lengthy speech. In 1996 when this Government took over, Dr. Farooq Abdullah took the initiative. We are also wanting to have a democratic set up but recently when you fought the Parliamentary elections, you got only 9% votes. Had the people been supporting your Autonomy Manifesto, why did not they cast their votes for this Autonomy ? I say it with my full confidence that there are more than 20 M As from your party who are against your policies and I will not hesitate in saying that they are supporting the Hurriyat Conference. The Union Government is ready to talk to any one within the frame work of the Constitution and this statement has recently come from the Home Minister. Why our youth took the guns ? Let me tell you in 1983 when elections were held in the State these young men contested the elections and there were about 30 boys who were Indians and State Subjects. They were declared unsuccessful due to rigging in the elections as a result they lost confidence in this democratic set up. Heavens would not have fallen had they been declared successful and they would not throw this valley into the Dal Lake. These boys are demanding luxurious items from their parents but when the responsibility comes to their own shoulders and they earn their livelihood themselves, then only it makes them understand wherefrom the source is to come. I mean to say that if rigging had not been done in these elections and this young generation had been allowed to come to power, it would automatically make them understand how to mobilize the resources of the State. But you did not allow them and made a great blunder. The present scenario of militancy is the outcome of this blunder. The present scenario of militancy is the outcome of this blunder made on your part. This generation was disillusioned as a result of which we see gun culture prevailing in this State today.....

.....(Interruptions).....

The Hon'ble Finance Minister stated just now that the accession made by the Maharaja was a great loyalty towards India. But I may tell you that had the accession not been made with India, Pakistan would have changed your breed and nothing of the name of Kashmiriyat would have remained there. On the other hand what is our contribution towards the country. If so people like Mr. Ansari do not pay the taxes. Let other pay it. How many of you are paying income tax.....

.....(Interruptions).....

India is a vast Country with a population of 100 crore where the people of every religion, caste and creed lie in a secular set up and no one can break this set up. Let me quote an instance of Sikh Religion Darbar Sahib Amritsar is a sacred place for Sikhs but its foundation stone was laid by a Muslim namely Mian Mir. This is a tradition of this Country and you should forget that you can make a State on the name of a particular religion. Our contribution towards the country is worth nothing. For the information of treasury benches I may say that Jammu is the only entry point to our State and the sheep, chickens and eggs are imported into this State through this route whereas only fruit like apples are exported from this State. The comparison from the value of imports is not found higher than that of exports, I will resign there and then and still you are demanding much more from the Centre. I would advise my Chief Minister not to harp for Autonomy rather stop the gun culture first and I assure him that we will certainly support your Autonomy issue the day when you succeed in stopping the gun culture. You cannot stop it even after the Autonomy is granted to you. The members from PDP talk of negotiations with the militants. But I may tell them that they have won the seats with the help of Hurriyat Conference, how can they silence the guns ? I will repeat my request to Chief Minister to get this gun culture stopped only then the issue of Autonomy because it will disintegrate the whole country. How do you talk of 1952 when only 15% people out of those will be surviving today and most of whom are no more living today. Only these 15% people will be having some knowledge of the agreement. If you go through the ratio of pre 1947 era you will see that 60% Hindus were living in West Pakistan and there were only 3% Muslims residing in India. Today you see that even one percent non-Muslims are not living in Pakistan whereas there are 15 crores of Muslims in India who are enjoying full religious freedom. If some one left this country at the time of partition, it was his own will and no one is to be blamed for this.....

.....(Interruptions).....

Please listen to me. The Kashmiri Pandits were forced to migrate outside the Valley. They were your own brothers and you could have given them protection because you belong to their generation. Your forefathers and ancestors were Hindus and got converted into Islamic Religion. Had you been honest and true patriotic, you would have

Never allowed them to migrate. Since they were in minority at every place, in rural as well as urban areas, they found no alternative other than to leave their homes and property behind and run away for safety. You could have stopped them and given them protection during the turmoil.....

.....interruptions.....

They loaded their beg and baggage in trucks with a name plate of some Muslims and left the Valley. Their moveable and immovable properties were occupied by the people of majority community and even their services in various departments were encroached upon and the migrant posts filled by your people. Now you are talking of Autonomy but I say it with full confidence that some Ministers sitting on the treasury benches here have got their houses in various cities of the country like Bangalore , Delhi, Bombay etc. what right you have got to build a house there ? The USA is a developed Country

Dr. Farooq Abdullah (C.M) : Sir, on a point of information. My own House is going to be under construction in Bhatindi, Jammu. let me know from him who is constructing house at Bangalore so that I may visit there sometime.

Ch.Piara Singh : Mufti Sahib is having a house in Faizabad, that in apparent. But you people are constructing your houses through the backdoors.

Dr.Farooq Abdullah : Where ? let me know.

Ch. Piara Singh : You do not leak out the locations thereof. You are creating an atmosphere for Autonomy

.....interruptions.....

If you like to disturb the atmosphere in the Valley, let you do so but we will always prefer to live with our Muslim brethren. We will never leave them. You may construct as many as houses outside as you like. I was saying that the Valley showed a colorful look in every corner and the secular traditions seemed to be at their muslim brethren there. What we see today, all streets, lanes and roads are deserted and nothing of that sort looks in their absence. Recently an

incident took place in the Regional Engineering College here. There were a total of 247 students in this college of whom 47 belonged to Jammu and remaining 200 were from outside. You cannot send them back from this college. These students are forced to offer prayers, i.e. Nimaz before going to lunch or dinner. Is this the theme of Autonomy which you are demanding? If that be so, then no student from outside will prefer to study in this State. I have already brought in to the notice of Hon'ble Chief Minister that the remaining 47 students hailing from Jammu Region are also being teased in this institution. Let you send your children to the colleges outside the State, say Madhya Pradesh, they will come to know there how to live with their colleagues. All the 247 students who had been admitted to the college in the valley have since returned and left the college because of this discriminatory treatment. The demand for Autonomy will further disintegrate the country and instead all of us should struggle for normalcy and stoppage of gun culture once for all. I had once told the chief Minister that he has got 87 M A's in this House. Let them be divided into benches and allowed to visit various parts of the country for which I would myself bear the expenses. During the three and half years rule of your Government many delegations of M A's visited different cities like Bangalore, Bombay or Calcutta but only these cities are not the real India. They should have visited the interior areas of Orissa, Bihar, M.P and U.P. etc. where they would find how the people earn their livelihood and what kind of life they are spending there. They would themselves see that these people are living a miserable life facing utmost poverty and starvation. As against in our State is fortunate enough where no one faces starvation and everybody is sheltered under one roof. Then what for you are demanding autonomy? You are grabbing the share of these people who are true Indians and prefer the starvation to the disintegrity of the country. Yesterday, Mr. Harsh Dev Singh said that some 25 thousand houses have been constructed. So far as the elections are concerned, it has come to our notice that fake votes have been polled in Jammu, Poonch, Doda, Anantnag and elsewhere and even proxy voting took place at many booths. It will have drastic consequences if the genuine voter is not allowed to cast his vote at a particular place. Is this Autonomy demanded for this very purpose / I was just talking of 147 students who were ousted forcibly when the demand of Autonomy was still on cards. They have the right to go to Supreme Court and file an appeal. But your Autonomy demanded says that there should neither be any Accountant General nor any Supreme Court having jurisdiction in this State so that there is no accountability in this respect. I say it with my full confidence that despite the Accountant General's Office being functional here as many as 1387 truck loads of fertilizers valuing more than 100 crores of rupees from the JAKFED were embezzled and so action was taken in it nor any responsibility fixed. I have come to know that some General Manager has been promoted to the IAS Cadre despite being involved in this case. This is the aim of Autonomy which you want. I wonder what will be the fate of this State if such Autonomy is granted where there is no such Autonomy is granted where

there is no such accountability especially when even the cases of misappropriation and embezzlement, as revealed by the CAG through audit paras, are dropped and ignored. What will be our position in such like cases when there will be no Accountant General to explore the misdoings of your Government? I would request the Hon'ble speaker not to pass this resolution. During the past 52 years the IRD rice bags, eggs, chicken, sleep etc. have been imported into this State without any break and it will continue so. You could not produce even an egg during this period and imagine what will happen if you do not allow these items to come into this State. You are talking of Autonomy but I say whether you can produce any of the eatable item on your own here. The outsiders are taking the slogan of Autonomy as a joke on your part. When Sheikh Sahib resumed the power in 1975, he did not demand any Autonomy at that time, then why are you making your Chief Minister as a scape goal today? I have just now informed you that there are some 20 M As from the ruling party who are not supporting the Chief Minister on this issue but they do not express it openly. May be that they might have some links with the Hurriyat Conference or PDP. So I would again advise you not to press for Autonomy and do not take any hasty step in passing this resolution. The Hon'ble chief Minister was just saying that his son is in the NDA Government at the Centre. But he should know that NDA government comprises 24 parties and his exit from this coalition will not affect it in any way. When Farooq Sahib made an accord with Rajiv Gandhi.....

.....Interruptions.....

I may repeat it against that the resolution of autonomy is a fraud and cheating with the people of the State. astly I would like to suggest you that since the Panchayat Elections are on the anvil, let you conduct the local bodies elections first and on the mandate of the people to give an instance in support of my suggestion. I would like to tell

you that some customer asked a barber how long his hair had been swollen. The barber replied him to wait for 10 minutes only, then he would come to know the actual position. So let you wait till the local Bodies/ Panchayat elections are conducted, you will yourself come to know how many people want the Autonomy . in this way you can judge yourself whether you have any support from the people. Thank you

Mr. Speaker : Now you seem to be our wellwisher when are you going to join our party?

Shri.Shivcharan Gupta : Sir, during his speech some Hon'ble members told him as a joker.

Hon'ble Speaker: one who looks at the mirror sees his own reflection there. Please take your seat. Bala Ji, you are elder rather the eldest person in this House. Let them play jokes with other, do not go deep into it . Mr.Sagar Chand.

Shri Sagar Chand : sir, many Hon'ble members from various political parties have expressed their view points on this resolution of autonomy which is under discussion here since yesterday. I have risen to express my view points on the subject. The attention of almost all the political parties in the country is presently diverted to the debates of this House. So far as the issue of Autonomy is concerned, our party neither favors it and nor does support it

.....interruptions.....

So far as this autonomy is concerned, we will certainly support it, if it is given at the grass root level. I mean to say that it should not go from Centre to State and restricted to that level only but from State to division level, division to sub-level and then to district level and further to block and Panchayat level. Only then it could be called an Autonomy in the real sense, otherwise, if it remains confined to Ministry and bureaucracy then our party will never support it. There is no guarantee for the down trodden, scheduled schedule castes, other backward classes and other minorities in it which has made it suspicious whether it will have any advantage for the common masses. There is a saying that out of the frying pans into the pond. So, I think that this special session summoned for this issue is a futile exercise. The Hon'ble Finance Minister during his speech said that they won the elections because of the Autonomy issue and that is what for the

people give them mandate in 1996 now those very people have seen the achievements of the Government for the last four years. The militancy has been on the increase and the innocent killings are on the rise since then and the Government has failed on very front. No one feels secure today and even the legislature is facing a risky life. As Choudry Sahib has just now said in his speech that a large scale rigging took place during the 1983 elections and those educated unemployed youth who had participated in these elections where leading at very booth were declaring unsuccessful. Heavens would not have fallen if these winning candidates would have been declared successful and even if they assumed the power that would have been in the interest of this state as compared to the present situation which is the out come of the very rigging. They lost confidence of in your bogus democracy. They where not giving justs, as a result of which they raised hue and cry and were detained in Kothibag Police Station and tortured there without any fault. The result was this that they raised slogans saying.

جو نہ ملے ہمیں صندوق سے
وہ اب لیں گے صندوق سے

(it is said that might is right so what we could not get from the ballot boxes shall be achieved through guns). This is the contribution of your party and you are yourselves responsible for the recent turmoil in the State. If your attitude towards the peace loving people goes like this, I say that time is not far off when the Dogras of Jammu will also rise against you. My another submission is that during the last session, the opinion Members demanded the waiving of agriculture loans and the Chief Minister had a commitment in this regard saying that a delegation of legislatures would go to Delhi under his leadership and talk to the Prime Minister there with regard to this issue. Various other loans were waived off up to the limit of Rs.50,000 but the agriculture loans was not included in the amnesty package.....

.....interruptions.....

Dr.Farook Abdullah (C.M) Sir, we had taken up this matter with the centre time and again but they did not agree to it

.....interceptions

Mr. Speaker : Sir, I have alliance with both the parties Congress as well as BJP.

Shri Sagar Chand : So far as the statement of the Chief Minister is concerned, he says that the Centre did not agree with him. If that be so, then why they are supporting the Centre Government. The Chief Minister had made a commitment with we people that a deliration would go to dehli, burt that commitment was not fulfilled either. Similar promises where made with the people during last election campaign and now fresh elections are going to be held with in a couple of years. They will have to go to the people again who in return will ask them what they did for them despite the fact they were returned to this House with a thumping majority. They will have to face accountability when they got o them again seekingmandate so far as the issue of Autonomy is concerned; it is under discussion here for the last two days. In this connection I would say this is merely a show on your part. The Autonomy report has already gone to Dehli because all things stand already settled with the centre at the time of accession. Now you are befooling the people.....

.....interruptions.....

astly I would submit that if this Autonomy is sought for the ministers and bureaucracy, then I am strongly opposing it and if it is demanded for the common masses or the down trodden, then neither oppose nor support it. Thank you.

Mr. Speaker: Mr.Ajat Shatroo, Minister Incharge Transport.

Shri Ajat Shatroo Singh (Minister Incharge Transport) Sir, the resolution under discussion here has been well explained by Shah Sahib the yesterday and I will not go in details any more. But one thing in would like to submit is that one of my colleagues read the name of Maharaja Hari Singh. At that time the name of Governor included the words “ Shriman Inder Mohinder Rajeshwer Maharaja Adhiraj Shri Hari Singh, J&K Naresh Tatha Tibet “. We are forgetting that about 80 thousand Kms of our land is still under the occupation of Pakistan, called POK. We are discussing an issue today which has been agreed to in 1947. I would like to quote only one line here which is mentioned in this report. It reads:-

”I wanted to take time to decide to which domination I would accede, or whether it is not in the best interests of both the dominions and

my State to stand independent, of course with friendly and cordial relations with both “. Many people particularly from Jammu Region raised fingers on him saying that he took much more time in arriving at some conclusion. But I say that we had to think before taking any step. It was not the question of any particular region only rather the whole State was to be involved in it . Besides, the geographical condition and the topography of the State was to be kept in consideration at that time. some conditions were laid while signing the Instrument of Accession because the Maharaja knew what the conditions of the State would be in next 50 years or so. I was very shocked to hear from some of my friends that the National Conference is anti- national party or that some of our leaders are working against the national interests. I would like to ask them when the Government of India constitutes a committee to review the Constitution of India, they term it as a patriotic step. But when we raise a genuine demand which is our right and also enshrined in the same Constitution, why we are labeled anti-national?

I do not want to go in details because Shah Sahib has already elucidated it in detail yesterday and even Rather Sahib today give further clarifications in this issue and I think they have left no scope to further explain our position in this regard. I think some misconceptions have erupted in the minds of some people. I mean to say that they should know that the units which are more stronger because it will be the base of our ties. You can see the instances of USA , Canada, Australia or Switerzerland which are more stronger because of the federal systems of Government with its units being Autonomous. Some people talk of trifurcation of the State which gives me a great shock because this seems to be voice from Delhi. I feel very shocked to hear this particularly because I am belonging to the dynasty of Maharaja Gulab Singh who bought the State and then Maharaja Hari Singh, my grandfather, who signed the Instrument of Accession. Then my father Maharaja Karan Singh Ji who was the last Sardar-i- Riyasat also belonged to Jammu. The people from same region or adakh should not talk like this.....

.....interruptions.....

They are talking so perhaps to save their vote bank. The people from adakh Region have given us more support as compared to other

region and mere opposition from a handful of persons does not mean that the whole region is against us. They are doing so in order to exploit the people for the coming elections which are going to be conducted after a few months. I have been taught by my father to go to every religious place, be it a temple, Mosque, Gurdawara or a Church. I have never thought of any difference among the three regions of the state. As you are aware of the fact that recently an incident took place at Chhati Singpora where some of our Sikh brethren were massacred. About two dozen leaders from Delhi visited that place and a similar incident occurred at Rajouri and again dozens of leaders visited there also. But please tell me when killings take place in Valley almost everyday wherein Muslims are also killed. Has any leader from Delhi taken any notice of it and consoled the death of these innocent Muslim people? I am not talking of any particular community but it should be the question of the humanity and ourself respect, our state is the crown of the whole Country and if we really want to earn some self respect, we should not talk on regional lines. It was a historical decision, so my submission to all my colleagues, particularly those from Jammu and adakh is that they should not try to change the history, otherwise, history will never forgive them. I would again request these people not to think on regional, religious or communal lines in respect of this document. At least the coming generation will appreciate your measures reminding that what could not be achieved during the last 50 years, was not by this Government in just 5 years, thank you.

Shri T.namgiyal (Minister of State) Mr. Speaker sir, the autonomy report under discussion has already been explained by Messers Shah Sahib, Rather Sahib and Shafi Sahib here and I have risen to express my view points in support of the same. I shall not take much time on this report

.....Interruptions.....

I got any opportunity to go tohrough some proceedings of Constituent Assembly. I saw a proceeding of 11th August, 1952 when Shri Koushak Bakola Rampuchi was representing our adakh region. He had endorsed the Autonomy proposal at that time and fully supported it. Today, the Congress people are saying that they do not accept him as their leader. I feel very sorry to say that any agitation has been launched there.....

.....interruptions.....

They are talking in the discrimination with that region. For their information let me give a reference of the past three years only, I am giving the facts only and there is no need to raise hue and cry. I am replying your points. That Act of Leh Development Council was expiring in 1996-97. My Government passed the Act without any resentment or any amendment. Still you are leveling allegations against this Government of making discrimination despite having passed this Act with out any amendment.....

.....Interruption

Mr. Speaker : Mr. Dy. Speaker, do not enter into argument and do not join the issue.....

.....Interruption

Ashok Sharma Ji, you please take your seat.

Shri T. Namgyal : Please listen to me. What is going on leh. It is your party which is doing all this.

Shri Chering Dorjay : What your party is doing with us there, please tell that also.

Hon'ble Speaker : Mr. Dorjay, please be seated. It is not the proper way. When you were speaking, no one interrupted you. Do not take too much time otherwise, I will throw you out.

Shri T. Namgyal : This Government made plan allocations for leh at the very first stage and enhanced the plan in favour of leh council.....

Hon'ble Speaker : You should listen to every one. Mr. Dorjay when you were speaking, they listened to you without any interruptions. Why you have no tolerance to listen to him. Why are you getting against every time, after all, he has the right to express his view point and you are nobody to reply him.

Shri T. Namgyal : I was saying that the Government enhanced the plan allocation in favour of leh council. Now it is the duty of the council how to utilize it. We are not responsible for it because the funds stand already provided. How can they say that discriminatory treatment is being meted with this region. For the first time in the history of J&K, equal representation is being given to all three regions of the state

.....Interruptions

I may say that leh District has got much more.....

Dr. Farooq Abdullah (Chief Minister) : Sir, I would like to request one thing, we can shout more, I have so many people who can shout much you want them to stand here, but that is not our interest. Our interest is a debate; I can pass this resolution now that is not our interest. Our interest is a debate; I can pass this resolution now that is not Dr.Farooq Abdullah.Farooq Abdullah's idea. Farooq Abdullah wants a decision not only here, I want a debate in rest of the India so that you can understand us but we are more Indians than you are. We are for better Indians than any body else can be but the tragedy is that you people do not keep quiet. If one wants to speak allow him to speak that is what the debate is about, that is the difference between Pakistan and India that in Pakistan you can not have debate. In India you can have a debate, you can discuss, you can arrive at a solution. When Government of India is ready to discuss with those who are demanding freedom and wants to go to Pakistan. You are ready to talk to them and even prepared adopted the policy of give and take. Mufti Sahib is asking them why this concession, be given to Dr. Farooq Abdullah let it go to those people. Mr. Geelani is also ready for negotiations today .when you are prepared for this, then why cannot listen to we people and that too with a cool mind. We are not snatching any thing from you. Still if you feel that we are wrong at any point, let you point it out , we are ready to hear it. This is not the problem of eggs or chicken but it is the question of relations with a Country which should be based on certain facts. I will request my all members from the ruling as well as the opposition parties that they should give a patient hearing to everyone who expresses his view point on the subject. Every one sitting in the House has got a right to speak, then why to interfere when when he has not interfered during your speech? After all we should uphold the dignity of this august House. No doubt anyone can be agitated during a speech but we have listen to him with patience. So far as the induction in the council of Ministers is concerned, it is our baby, not yours, to see how we can lead this State. Our enemy is watching our activities and he will always try to exploit our misdoings. One of the Ministers was killed by them recently and it can be your turn tomorrow or any one of us can fall victim of their conspiracy. So my submission to all of you would be to try understand each other cool mindedly so that better sense prevails among all of us.

Shri T.Namgayal : sir, I was trying to bring factual position to their minds but they are not prepared to listen to it patiently. I was saying that the people of Jammu and Kashmir have got more benefits and concessions during the last three years as compared to the past. They

should have welcomed it. The constitution of hill Development Council is great achievement of this Government and instead of appreciation this step, these people are only harping of discriminatory treatment. This is no justice with us nor to the people of adakh. They are going to conduct elections in august because the Congress Party is totally vanished there.

Shri Chering Dorjay : You will be defeated there.

Shri T. Namgyal : We will certainly be successful, with this I fully support this Autonomy Report.

(Cheers)

Mr. Speaker : Mr. Bawan.

Shri G.M.Bawan : Mr. Speaker Sir, the resolution on Autonomy is being discussed here for the last two days. During the debate, an impression is being tried to created here that it is an attempt to disintegrate the country and the demand is termed as a conspiracy to separate this state from the Indian Union. In this connection I would like to say that we shall have to go through some historical facts in order to understand this problem in a real concept. India was divided into two dominations in 1947 but I say that it was not India which was divided rather the Muslim Community of whole subcontinent was divided into three dominions called India, Pakistan and Bangladesh are enjoying their separate identity but the Muslims of India is trapped at the cross roads and is suffering on all account. You can well judge the sufferings of this community by taking into consideration the facts is that those who migrated to Bangladesh in 1947 desired to repatriate to India after the war of 1971 because the Bengali's did not accept them saying that they had deceived them. The Indians on their part also did not allow them to return on the plea that they had migrated on their own and won't be allowed to return. Now let me ask you one question, who are these people? They are neither Indians, nor Pakistani's and nor Bangladashi's. They are in crores and have no domicile. The subcontinent was divided on geographical basis and the Kashmir problem is related to the very base. The division gave birth to two enemies and the problem of Kashmir is related to this historic division. On this very historical background we want that a final settlement to this problem be made once for all. The history of Kashmir itself has a vast background. The Kashmir people remained submissive for about seven hundred years and bore every kind of tyranny and sufferings. They were made slaves by the Mughals, the Sikhs, the

Pathans and the Dogras. In 1947 the Kashmiries emerged to power for the first time which was a historical incident. Had this incident not taken place, we would not have been the Chief Minister as a State Subject today. Now they are trying to change this statuesque but we will resist it. The promises which were made at the time of signing the Instrument of accession in 1947 were set aside and in 1953 Sheikh Sahib was arrested thus eroding the autonomous position which this State had got. In spite of all this every chief Minister who assumed the power after his arrest was a Kashmiri. It means that the power shared in the state is not confined to a particular party rather all the regions of the state are equally involved in it. There is no need to call any tripartite conference for getting the demand for Autonomy fulfilled. There is only one party and thatn the people of the entire State. The Autonomy is a great challenge and is the real solution of this problem. You can not change the geographical status of the State. India and Pakistan fought four wars and despite that they could not change this status. You will have to conceder the aspirations of the people of the whole State otherwise; there is every apprehensions that you may loss the confidence of the people. So it is the question of restrictions of this confidence. Thank you.

Shri Mohmad Shafi Bhat : Sir, the resolution which is under discussion here has already been explained in detail by Mr. Shah and Mr. Rather besides some of my other colleagues and while hearing their speeches I was in a fix what tom say more on the subject when it comes to my turn. However, I would like to express some of my view points in brief in this respect. It has been said here by some of my colloques that they will not allow us to disintegrate from the Country. This shows that they have created some unnecessary doubts in their minds. These people are perhaps forgetting that the State Subject law was made by Maharajam Hari Singh in 1927 and this law was incorporated in the instrument of accession in 1947 as well as in Dehli arrangement of 1952. Had it not been so, the same people who are saying the Musl9ims as their brethren today would have ousted the same community since. There would have been no symbol of any Kashmiri or his house left in the State, a maximum number of egislatures sitting in this House are law knowing and well expert in politics. They present the documents in every court where they go to file a suit or contest a particular case before giving a judgment in any case, the documental proof, rules and regulation and citations are referred and kept in view to give a fair justice. What more irony there could be if the same people are shutting their eyes today, denying

the historical facts. Can they deny the accession of this State, has not taken place at all? If that be so, then I would submit and advice them to go to the others of these documents and conform from them that the accession has taken place on three subjects only. The leaders of the country were fighting the war of freedom along with our State leaders, they were fully know of the fact how the East India Company strengthened its position in this Country and gradually encouraged upon our soil. I think that right from 1948 these people had also the same intentions in mind that they would grab the whole State of J&K on the analogy of East India Company, otherwise they would not compel the Maharaja to sign the instruments of accession and keep our leader behind the bars for 22 years, from 1953. inspite of having executed the Delhi Agreement in 1954. The laws adopted by the said constituent Assembly were accepted by us but subsequently the Constitution was amended as many as four times which exposed their ill designs towards this State. My colleagues from adakh have just now stated that Mr. Koushak Bakola who was a member of Constituent Assembly also endorsed the demand for autonomy and how can they deny the historical fact at this stage. Mr. Veeri was just now saying that the people have changed their approach and that the Govt. should bring them to the table for negotiations. But I would like to ask him why Mufti sahib did not take any initiative in 1990 when he was himself Home Minister. My colleague Mr. G.M.Bawan who was a close friend of Mufti Sahib met me in Delhi in 1990 when I was M.P. He told me that there was a proposal to send Mr. Jagmohan as Governor of J&K and that he and his other associates were struggling hard to pursue Mufti Sahib not to send him there as Governor but he did not give ear to this request and subsequently Mr. Jagmohan was posted as governor of J&K State. What happened afterwards? You might be remembering the massacre of scores of people at Gaw Kadal on 19th / 20th January .1990. Mr. Mufti Sayeed , as a Home Minister, had no courage to raise any voice against these innocent killings. Then Moulvi Mohd. Farooq was killed by some gunmen and his funeral procession being carried from the Medical Institute was fired upon indiscriminately near Islamia College, Hawal by the gun-wielding army of Mr. Jaghmohan in which some two hundred mourning souls lost their lives. Where was your party at that time / when the daughter of Home Minister was kidnapped, the whole law and order machinery was alerted and firing took place at every corner. Dr. Farooq Abdullah had taken a stand at that time not to release the four militants as

demanding by the kidnapers in exchange of release of the Home Minister's daughter. But his stand was revised by the Centre as a result whereof a warm reception was given to the released militants which gave a boost to militancy in the State. Today we are experiencing the result of the same mistake.

As regards the issue of autonomy, the young generation is asking us today that they heard and read in the history books that Sheikh Sahib had once gone to UNO and even Nehru Ji had come to Jall Chowk and disclosed in public gathering that the people of Kashmir would be taken into confidence while settling the Kashmir dispute and the will of the Kashmiri people will be the base for arriving at any conclusion. Unfortunately Pandit Ji remained no more and his death left the Kashmiri people in a desperate situation. But the history never dies and you are more versed with it than myself. Had the Kashmir problem not been a disputed one, what was the necessary for Nehru Ji to deliver the speech in historical Jall Chowk on the subject before a huge gathering. Can you forget the history where promises have been made with the Kashmiri People? Is it not a fact that Nehru Ji went to United Nations and delivered speech for about 4-5 hours there where in he said that the self determination of the people of the state would prevail soon after the situation becomes normal there. Today the Kashmiri people are not demanding any freedom or any Pakistan because not even the fathers of India can meet this demand but they want the fulfillment of the promise which is their fundamental right. At last they should implement their own decisions which have been taken by themselves at the time of accession. If they cannot do so, let them leave us to our own fate, we will not beg for any charity, rather to prefer to affiliate to some other power which may give us more than what we want. Why should they make us submissive forcibly, we are afraid of these people.....

.....interruptions.....

Mr. Speaker : They are all your friends.

Shri Mohd. Shafi Bhat : They extended the jurisdiction of Supreme court to this State. After all we are also matured persons and we know the law also. We have also got some experiences in the political field. Sheikh Sahib was arrested and put behind the bars for about 22 years. As I remember it, in 1975 when he was released, Syed Mir Qasim, the then Chief Minister said that Sheikh Sahib is the only person who could save the State from the deteriorating situation at that time. It was because of this fact that Syed Mir Qasim straight

away handed over the reigns of Govt. to Sheikh Sahib in 1975. It was not a favour to him but a need of the hour. In the subsequent elections we proved it with a thumping majority. May God bestow peace upon the soul of Maharaja Bahadur who gave us two documents of vital importance which help us today. Had any Muslim signed the document of accession, as is said here that Sheikh Mohd. Abdullah signed the Instrument of Accession, the position would have been quite different today. Sir, the irony is that even the officers of Law Department do not apprise the common people of the factual position. It had also been decided that Muzafferabad would be the capital of the State. Sheikh Mohd. Abdullah was detained in Badami Bagh Cantonment in 1947 when Maharaja requested the Centre to send army to the State to face invaders. He had already made an agreement with Lord Mount Batten.

.....(Interruptions).....

You cannot change the history. Some of my colleagues read out a document here yesterday with your permission, otherwise he could not do so.....

.....(Interruptions).....

Mr. Namgyal said something about the ensuing elections in Ladakh. I would tell him that by the grace of God we will be successful in those elections also. The Hill Dev. Council of Leh was constituted by our Govt. and if then cannot function well or utilize the allotted funds in a proper manner, we are not to be blamed for it. However, I fully support the resolution which is under discussion here and would request you to pass it without any loss of time.

Thank you.

Mr.Speaker: Shri Hans Raj Dogra!

Shri Hans Raj Dogra: Mr. Speaker Sir, I have risen to oppose this autonomy resolution on behalf of my party, BJP, I know that they have got 2/3rd majority in this House and will pass the resolution on that basis. But I would like to point it out that the people from Jammu and Ladakh regions are quite against this move and an agitation is going on there against the autonomy demand. To say in clear cut terms no one from any of the three regions of the State wants autonomy, not even from Kashmir Division. Had they been supporting you, then you would not have got only 9% votes during the last Parliamentary Elections from Kashmir. As against it, BJP got 62% votes which means that every individual in Jammu is totally against

the demand for autonomy. So I would suggest you not to pass this resolution in the better interests of the common people otherwise it may lead to disastrous consequences like 1952 and lest the NC Party may get badly affected. In 1947 Maharaja Hari Singh thought for 2 months and eleven days together before reaching a conclusion to accede to India. It was only after a great thought that he took the decision to amalgamate the State with India like other more than 500 States which were amalgamated by Sardar Patel in the Indian Union. He wanted Mr. Patel to do so in the case of this State also but unfortunately Pt. J. . Nehru had a great friendship, with Sheikh Mohammad Abdullah and having regard of this friendship, the former took a late decision and delayed it. Subsequently when the tribal invaders came here and reached upto Nowshera, the Maharaja had no alternative but to accede to India on 26th Oct, 1947. The delay of 2 months and 11 days was because the prime Minister, Pt. Nehru Insisted on the presence of Sheikh Sahib at Delhi while signing the Instrument of Accession, otherwise the accession could have taken place like other 500 States.

Shri Ajat Shatru Singh (M/I Transport): On a point of Order, Sir, I know better about my grandfather than the Hon'ble member. He says that a delay of 2 months and 11 days was caused due to conspiracy of Nehru Ji and Sheikh Sahib, which is not correct and I refute this allegation. On the other hand they wanted J&K to be an independent State and it was due to the invasion by Pak tribals that they were forced to accede to India.

Shri Hans Raj Dogra: It is right that he was your grandfather but at the same time he was our Maharaja and we Dogras of Jammu treated him, i.e. Maharaja Hari Singh Ji as our true sympathizer. He raised his voice for the first time in round Table Conference of Britain. He was leading Quit India Movement, so you are not the only claimant of him, today but the people of entire Jammu Region have always been ready to sacrifice their lives on his call at any time. I may tell you that when Sheikh Sahib assumed the Govt. he raised the force of National Home Guard there. I was reading in 10th class at that time. We also joined the force and wore red cap bearing a plough on it, So there is no question of opposing Sheikh Sahib at that time. Unfortunately Sheikh Sahib fell victim of conspiracy hatched by Britishers or USA and in 1952 he raised the slogans of freedom at R.S. Pura. I would like to know from you whether there is any difference between that slogan of 1952 and the present demand of

autonomy ? Perhaps you are demanding the same freedom as demanded by Sheikh Sahib in 1952. Some veteran political leaders including Sheikh Sahib, Maharaja Hari Singh and Pt. Prem Nath Dogra launched an agitation in 1952 during which some 15 persons were martyred. What were the reasons of Dr. Shyama Prasad Mukerjee's visit to this State? Perhaps to do away with permit system. Now my colleague, Mr. Sadhotra says today that he will keep two flags. In 1952 there was a single flag. The two flag system was introduced in 1964.

.....interruptions.....

Shri Ajat Shatru Singh: On a point of information; Sir, there were three flags at that time and I shall keep this tradition continuing.

Shri Hans Raj Dogra: During Sadiq's regime in 1964 the two flags system was introduced. I want to know from you who arrested Sheikh Mohd. Abdullah? Was it Atal Bihari Vajpayee, Sardar Patel or his own friend, Pt. J. . Nehru? He was arrested because he raised voice against the interests of the country and kept detained occasionally from 1953 to 1975. During these 22 years the National Conference Party did not exist anywhere in Jammu Region but a party namely Plebiscite Front was run in the State by a handful number of politicians and this party was financed from across the border by Pakistan. I remember well today that two boxes filled with currency notes were brought to Chamba via Amritsa and from that place these were brought to Bhaderwah and Doda. Some leaders from Bhaderwah are sitting here and they can well endorse my statement for they also know this fact. In this way the Plebiscite Front was financed by Pakistan. The Raja Sahib says today that this State was constituted by his fore fathers but I say that perhaps he has forgotten the history. He was a baby at that time and it is a fact that Maharaja Chulab Singh is the founder of this State and even a child from Jammu knows that he alongwith General Zorawar Singh went to eh- adakh, Chitral and Gilgit for demarcation of the State territory. After the death of Pr. Prem Nath Dogra, Colonel Pir Mohd. Hailing from Ustad Mohalla of Jammu was elected as President of Jan Sangh Party. He once told us that he had migrated to that place from ahore alongwith Maharaja Ghulab Singh. According to version there was a Pathani (a woman from frontier Province of Pakistan) whose husband got martyred. She told Maharaja Ranbir Singh Ji that she hailed from Mohalla Afgan of Ustad Mohalla and could not offer prayers (Nimaz), because there was no mosque in that area. The Maharaja got a kacha mosque build for her and it is the same mosque today which you see in a concrete

construction built in front of the police headquarters in Ustad Mohalla. What I want to express from this statement is that the State was free, right from 1947 when Sheikh Mohd. Abdullah assumed the power But the history has been taught to our students in a distorted manner and the militancy is the outcome of this very disinformation campaign. One of my colleagues sitting in this House who is an advocate also, said that the civilization and culture was taught by them but I say that this is not today's civilization but has been traditional for thousands of years in the State. The cave of Amarnath Ji and the symbols of Kouravs and Pandavs in Awantipora are still existing and remind us the culture and civilization of thousands years back. Similarly the fort of Hari Parbat and temple of Shankeracarya are still reminding us the civilization of thousands years of past history. But alas, the education you gave the people from 1947 onwards changed the whole atmosphere. In 1983 when Smt. Indira Gandhi came here, the Kashmiri people demonstrated before her and in 1986 as many as 400 temples were set ablaze which shows how far the Kashmiri people were free to go to any extreme. They were the same Kashmiri who were earlier the slaves of Pathans, Mughals, Sikhs and Dogras. The Dogras then freed them and I say with full confidence that the regime of Maharaja Hari Singh Ji was a secular one. He wanted to recruit Kashmiri people in army but they refused to take guns. The resolutions under discussion at this stage in the House aims to disintegrate the country. Our Finance Minister gave a reference of Mr. Jyoti Basu. But I say that Jyoti Basu is working at the behest of China who is quite against our national policies. They want to disintegrate our country.....

.....interruptions.....

My submission to Hon'ble Chief Minister is that not to allow to communalise the situation here.

Mr. Speaker: Dogra Sahib, please take your seat now. You have taken much time. Nothing will be recorded from you now.

Shri Hans Raj Dogra:- Sir as per your order, I conclude my speech. Thank you.

Mr. Speaker: Hon'ble Members, I am thankful to all of you, for having a lively discussion today. It has been rightly said by leader of the House yesterday and today that it is the discussion across the Table that must take us to some conclusion. I thank all of you for

giving patience to each other, excepting small and minor irritations which are part of day's business. But subject deserves utmost seriousness and utmost consideration with some background, political background, legal background, Constitutional background and above all historical background. I don't cast aspersions on any body's speech. We had a very lively discussion. I would remind all of you, that we have two day's ahead, tomorrow and Saturday come well prepared, sometimes we are off the records, off the track if you are within the track possibly your interest in the subject will enhance, and you will be able to carry out your message, across the walls of this Hall, to the people both in India, Pakistan, Bangladesh all over the world. It is a very serious document and your contribution must be equally serious. So you will look into this material, that is relevant with the discussion. All of you are well read, you are representing the constituencies, you represent the ethos of the people. I request all of you to be within the corners of the subject itself. That will give you more experience, that will make this debate lively and the message will go outside through the press people, through media, both press and electronic that we are the people who discuss matters across the table and understand each other with tolerance and a good behaviour and I adjourn the House and we will meet here tomorrow at 9.30 A.M.

Note:- At this stage the House adjourned to meet again at 9.30 A.M. on 22nd of June, 2000 at the same place.

**THE JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT**

(OFFICIAL REPORT)

The House met today the 22nd of June, 2000 Thursday at 9.30 A.M. in the Assembly Hall, Srinagar.

Hon'ble Speaker: Mr. A.A. Vakil, in the Chair.

Mr. Speaker: let us start today's proceedings.

Shri Tara Chand: Sir, my Constituency for the last one year is in the grip of Pakistani firing rendering a major portion of the population homeless and forced to take shelter in tents and in absence of electricity and drinking water their life has become miserable. I would request the Government to make necessary arrangements for providing relief and other facilities in order to redress their grievances.

Mr. Speaker: Shri Harish Dev Singh to please start. Please be brief and to the point.

Mr. Harish Dev Singh: Sir, with your kind permission, the question of Autonomy is a very delicate and a sensitive issue which has the bearing of more than 80 lakh people of the State. Sir, I feel there has been a lot of heat during the course of discussion for the last two/ three days.

Mr. Speaker: How much did you feel?

Mr. Harish Dev Singh: Sir, I have been a quiet listener and I will try to eject that heat today. Sir, I feel that all those who do not subscribe to what the report says, must counter it with logic and reasoning. Because this is the subject which is of a very grave nature and could have disastrous consequences if this report is accepted. Sir, I feel that I have abundant material with me with which I can blow out this report which is a threat to the sovereignty of the Nation and is prejudicial to the interest of the State. May I tell you Sir, this Autonomy Report which consists of 184 pages, is an exhaustive report having 15 chapters and 9 appendices. This is most controversial document of the Country. It is the Pandora's Box. It has laid down several

propositions, it has given several recommendations for the abrogation of several articles of the Constitution, for the modification and alteration of several articles of the Constitution without specifying as to how this Autonomy Report is going to end the alienation amongst the people. It does not state how the blood shed and the subversion of militancy will be curbed, it does not state how Kashmir can be restored to its past glory, magnificence and splendors for which Kashmir was called a paradise on earth. It does not state anything about all these things. Sir, at the outset I have certain questions to the propagandist of this theory of Autonomy. I would like to ask Sir, Autonomy for what, Autonomy for whom, who are the takers of this concept of Autonomy? I have not come across any other political party except National Conference which has been talking about Autonomy. Sir there has been protests all over India, there have been protests in Jammu and Kashmir. People in Jammu, in Jammu and all over India even the people in Kashmir are also not in favour of Autonomy. And secondly I would like to say Autonomy for what? This is the only State which has the maximum Autonomy, this is the only State in whole of India which has a Constitution of its own. This is the only State within the Union of India which has a flag of its own. This is the only State, please, listen, what else do you require? I just want to know, this is the only state what else do you want?.....(Interruptions).....I am coming to that. You just have some patience. You know that you have delivered speech for the last three days. If I would have spoken, none of you could have spoken. My voice is louder than all of you. You should understand this. This is the only State in the Union of India where no Central law can apply without the concurrence of the State. What else do you want?

Mr. Speaker: Be at peace, it is not through shouting that the matter can be decided nor who speaks in high pitch, only the argument will convince each other. Be at peace.

Mr. Harish Dev Singh: Sir, I do not feel hurt. If I speak with loud voice I will be speaking fluently. But their voice will be stopped. I want to tell it. They do not have the courage to listen truth. When we have been listening to you, you should also listen and defeat it with logic. We listened very lengthy speeches of the N.C. leaders. They say, we are Indians, we are nationalists, we are a part of India." We acknowledge, we give them all appreciation for that.....(Interruptions).....

Moulvi Iftikhar Hussain ANSARI: But who are you?

.....Interruptions.....

Mr. Harish Dev Singh: Sir, when I appreciate the statement of N.C. leaders, they say that are Indians. He objects to it because I feel he is not an Indian. He does not consider himself to be an Indian. He is a Pakistani, that is why he has an objection. He had objection when I say you are Pakistani. You have objection when I called an Indian. You had objection to that.....Interruptions.....

Moulvi Iftikhar Hussain Ansari: You consider every muslim to be a Pakistani. Even you also labeled Maulana Abu-ul-kalam Azad as a Pakistani.

Mr. Harish Dev Singh: Sir, they are very much frustrated. I have not yet started. I just wanted to know, sir why there is difference between perception and the practice. Why this hypercritic approach. Why do you want autonomy. Why do you not ask for complete integration with the Union of India. Why so? Your call yourselves as Indians. You say, you want to be a part of India. Why do you not want to be like other States of Indian Union? Yours is as good a State of Indian Union as any other State rather we have more concessions. The concessions which have been accorded to us are not available to any other State of the Indian Union. I will tell you that a child is a good child who do not disown his father unless and until the child is an illegitimate child. You cannot say that you want to redefine your relationship with the Indian Union with your Mother India. You cannot do it. You have to think about that also. Sir, now I am coming to the terms of reference towards Hon'ble Mr. Shah who has pointed out the other day, the terms of reference of the Autonomy committee include Instrument of Accession of 1947, Constitution of Application Order, 1950, and Delhi Agreement of 1952. Sir, so far as the Instrument of Accession is concerned, I think everybody from N.C. has said, "It is final." If it is final, if it is irrecoverable, how do you reopen it. It is final and irrecoverable, it cannot be reopened. It is beyond the scope. You can say when your turn comes. This is the term of reference of the committee. You have again said, you are analyzing it. You are redefining the Instrument of Accession. Please ask questions after I complete. Please listen. The Instrument of Accession is final and irrecoverable. It is beyond the scope and jurisdiction of the Committee. So far as then Constitution Application Order of 1950 is concerned, it has already been superseded by Constitution Application Order of 1954, So far as the

Delhi Agreement is concerned it paved the way of Constitution Application to Jammu and Kashmir Order of 1954 which is a finally resolved issued. If it is reopened it would be incompatible with the spirit of the Constitution and the agreement which has been reached at between the State and the Union. Now Sir, coming to the various laws, the talk of restoration of 1953 position, there are a number of laws, sir more than 300 laws, several articles of the Constitution of India which have been made applicable to the State of Jammu and Kashmir which are admittedly for the benefit of the people of the State. I just point out to some of the laws which have been made applicable after 1952, 1954. I cannot count. I know that Hon'ble Speaker will not permit me to speak for $\frac{3}{4}$ hours. In 1954 it was the Operation, Custom, central Excise, Civil Aviation, P&T which was made applicable to the State. Sir, in 1958 CAG and all India Services were also made applicable and you can very well understand the significance of CAG in any State. It has got to be accountable. In the same way in 1959 the process of census was started as a result of which census was conducted in the J&K State in the first time in 1961 under Central Rule. In 1964 it was the Supreme Court that has given powers to hear appeal in the High Court and the Election Commission also came into existence. It was given the jurisdiction to hold election within the State of J&K. It was in 1966-67 that Articles 356 and 357 pertaining the President's Rule were implemented. In 1965 very important law pertaining to Social Welfare were made applicable. Sir about laws, Social Welfare, Social Security, Social Insurance, the labourer class was prevented from exploitation as a result of extension of these laws to the State of J&K. You cannot undermine the importance of all these laws which were made applicable to the State of J&K. As has been done on a writ petition filed in the High Court during 1971 decision whereof was delivered under Article 249 in 1986. Sir, There are hundreds of laws and they are admitting to the benefit of people of the State, even a committee was constituted by late Sheikh Mohammad Abdullah in 1975 headed by Shri Defvi Das Thakur who had been the Deputy Chief Minister of the State a tall. N.C. leader. He gave the findings that these laws are for the benefit of common people of the State. We have to look into all these aspects. Sir, somebody pointed out that during Sheikh Mohammad Abdullah's regime, no law was extended. I have a list with me of two dozen laws which were extended after 1975 when Sheikh Mohammad Abdullah took over the regime of power in the State, if somebody wants.

Hon'ble Speaker: Are you, Mr. Harish Dev Singh, quoting the findings of Mr. D.D. Thakur Committee, are they with you?

Mr. Harish Dev Singh: They are very much in the book.

Mr. Speaker: This is not the question of Book with you. You have quoted the findings of the D.D. Thakur Committee because they are good for the people. If you quote something then it must be authentic. You must not accept anything that is not based on facts.

Mr. Harish Dev Singh: Sir, I made statement. I am responsible member of this House.

Mr. Speaker: It is for all members either sitting on the right side or the left side. Whatever they quote, it must be borne out by the record, not take it imaginary. That gives wrong message outside. So whatever you quote, it must be authentic.

Mr. Harish Dev Singh: Sir, I will supply copies of the statement I have made in the House. Sir, recommendation which have been made by them, they say, the several recommendations which already form a part of this report, regarding, you want to curtail.....

Mr. Speaker: Are you quoting it from page 84?

Mr. Harish Dev Singh: Yes Sir, the recommendations, sir, I will take only few of them because it is not possible to talk about all of them and until and unless you provide two hours time to discuss all those recommendations. Sir, the recommendations which have been made by regarding the abrogation.....(Interruptions).....But do you admit that Mr. D.D. Thakur gave this report. He is admitting it.....(Interruptions).....Sir, I will place D.D. Thakur's findings on the Table of the House as a responsible member.....Interruptions..... now sir, the various recommendations which have been made in this report, there are certain very important aspects, there are certain important Articles of the Constitution of India applicable to the State of Jammu and Kashmir which they either want to abrogate or they want to modify or amend it. First, sir, the Supreme Court of India, they say Article 133, 134 and 138 which deals with the appellate jurisdiction of the Supreme Court, they want to abrogate. So a person who is aggrieved of the orders of the High Court, what is the remedy left to him. Under the older Constitution Sir, of 1959, before our own Constitution, there was the J&K Constitution Act, 1939, owned by the Maharaja at that time a

person could make an appeal before his Excellency, the Maharaja Appeal from the High Court lay before him. After that when Supreme Court was given the jurisdiction in 1960, it was the Supreme Court that used to have the appeal. They want to abrogate those articles and hence there is no remedy for a person who is aggrieved of an order of the High Court. So a channel will be closed if the resolution on the Autonomy is passed.

Secondly, the Comptroller and Auditor General, a very important aspect sir, who maintains and checks the accounts, the centre gives you funds you are accountable, you have to give an account of the utilization of those funds in the proper manner. You want to do away with the jurisdiction and you want to modify that also, so that you want to avoid the accountability. So, that is also something objectionable, because somebody who is giving you money? Whether you are committing irregularities, whether you are thus doing something. You go beyond the scope of that purpose for which the money was given or funded to you.

Then Election Commission of India, you want to do away with the jurisdiction of Election Commission of India. You want to abrogate Art. 324 of the Constitution of India which provides for conduct of the elections by the Election Commission of India within the territory of J&K State. You want to do away with that, why? Don't you have faith in the Election Commission of India? You don't have faith if I tell you that it is the Election Commission of India which returned National Conference to power in 1996 and for the last 25 years, it is that Election Commission of India returning National Conference into power and you talk of abrogation of this article and doing away with the jurisdiction of Election Commission of India. You want to have your own Election Commission, a puppet Election Commission so that you can get anything done out of that Election Commission. You can ensure the Victory of your candidates by having your own Election Commission. You can do anything you like. Then they talk of abrogation of fundamental rights. Something very serious. You say, subsequently, you will go for your own fundamental rights. Why so? These are the rights by virtue of which a common man can survive. They are basic for the survival of common man. You want to abrogate the fundamental rights. I will tell you, sir fundamental rights constitute the basic structure of the Constitution. It has been held by the Supreme Court, Sir, in Keshev Nand Bharty's case, the Hon'ble Law Minister is averse of this. That

is land mark judgment sir. In Keshev Nand Bharty's case the Supreme Court says, that the basic structure of the Constitution cannot be changed even by the Parliament. So you are proposing to do something in the Assembly which the Parliament of India is not competent to do. I will tell you sir, this is going to be an exercise in futility. I will tell you sir.....(Interruptions).....

Mr.P. . Handoo(aw Minister): Sir, I have one submission. We are asking for abrogation of a,b, c,d, but we are not asking for abrogation and abolition. It should not be misrepresented. et him say, indicate a single line in the entire Autonomy Committee Report, where we are asking for abrogation of fundamental rights.....(Interruptions).....

Mr.Speaker: Mr.Harish Dev Singh ji, one second, you please take your seat. aw Minister's objection is(Interruptions).....

Mr. Harish Dev Singh:Sir, this is on page No. 107 of Autonomy Committee Report, Fundamental rights, (part c). This part should be deleted. Separate chapter on fundamental rights be included in the State Constitution. No, why should be included. You talk of the deletion of fundamental rights, framing of new Constitution is a different thing. Presently you are recommending to the deletion of Chapter on fundamental rights.....interruptions.....They have written fundamental rights chapter will be deleted and subsequently they want.....interruptions.....

Mr. Speaker:No, they say different thing.

Mr.Harish Dev Singh: No, sir, they say that it will be included in the State Constitution.....(Interruptions).....

Mr.P. . Handoo(aw Minister): I will tell you why, and I refer you Supreme Court judgment

Mr. Speaker: Mr. aw Minister, you say that later on. That is only in constitutional terminology. It is a transshipment from one book to another book.

Mr.Harish Dev Singh: Sir, may you kindly hear me. Until and unless they listen to me in toto, they cannot reach to any conclusion. I am coming to that, they cannot delete the chapter.....

Mr. Speaker: Mr. Harish Dev Singh, conclude now.

Mr. Harish Dev Singh: Sir, unless and until they hear I will tell them they cannot delete fundamental rights.....(Interruptions).....

Mr. Speaker: I am in Chair, it is being recorded all here, Everybody is present in the House. You carry on.

Mr. Harish Dev Singh Now sir, on a very important aspect they say Article 368 Clause (IV) is to be deleted, what does that say sir.

Sir, kindly listen to me, Article 368 Clause (IV), this says that if any amendment is to be made in the State Constitution in respect of certain thing. State Assembly is not competent, the approval of President is required for what one of them is if you want to increase the strength of the Upper House. This Assembly is not competent, State legislature is not competent, if you pass the Bill that has to go to the President of India. They face some problems in enhancing the members of M.C's in this House, because that Bill has to go to the President of India under article 368 clause (IV) approval of President of India was required in that case. Now they talk of total deletion of that clause also, so that there are certain inhibitions, there are certain checks which have been deliberately kept by the framers of the Constitution. They want to do away with all those checks. Now sir, I tell you all these laws. Some 300 odd laws, they have been enacted by great parliamentarians by great legal luminaries, by great statesmen, what they proposed to do is, they want to negate the 50 years efforts of Great Parliamentarians, the great legal luminaries the great statesmen who had the acumen, who had that knowledge of competence to frame laws. All their efforts will be frustrated if we do away with these laws which had been extended to the State of Jammu and Kashmir during the last 50 years.

Sir, regarding another very important aspect, there was discussion on Section 147 of the Constitution of J&K State, regarding which Hon'ble Rather Sahib and Mr. Shah Sahib have also pointed out that they enlightened us, they gave us wonderful ideas also. But I have my reservations about some of the arguments made by them, Sir, and both the arguments will be answered in Section 147. Sir, Hon'ble Mr. Shah said that the Indian Constitution can be changed by the State Assembly provided we obtain the approval of the President of India.

This is what he said. The Articles of the Constitution of India, can be amended, that is what I could make out, if we.....(Interruptions).....

Kh. Ghulam Mohi-ud-din Shah (Hon'ble Housing Minister): I have said so, that is within the competence of the Parliament (Interruptions).....

Mr. Harish Dev Singh: That is only under Art. 368, if that was the Statement then it is O.K. But Mr. Rather also pointed out towards something which would be answered in Section 147. Sir, this is very important Section I may submit before your honour sir but before I read this Section I must, at the outset, say that they want to alter and amend several Articles of the Indian Constitution. They want to abrogate...

Mr. Speaker: Mr. Harish Dev Singh Ji, how this House can change the Constitution of India?

Mr. H.D. Singh: That is what I want to say, that is what this Report says by virtue of this Report.....

Mr. Speaker: You please first resume your seat, you misquote matters. I am very sorry to say, nobody has said that this House is competent to amend the Constitution of India, nor Section 147 authorises this House to change/amend the Constitution of India. It is amendment for this Constitution so what do you want to say?

Mr. H.D. Singh: Sir, that is what I am saying sir, if you kindly listen to me. This report says, this report has recommended the abrogation of various articles of the Constitution of India. This report has recommended the modifications of the various Articles of Indian Constitution as are applicable to the State of Jammu and Kashmir. This is what the Report says, Section 147 says.....(Interruptions).....

Mr. Speaker: One minute, please, you resume your seat. In the report the recommendation is that a particular Section or Articles of a particular Constitution should be changed, but that does not mean that this House is competent to change or amend the provisions of the Constitution of India. It is clear you need not say it, it is all the more clear. Nobody will distort the Constitution.

Mr. H.D. Singh: Yes sir, that is what I want to say sir because there have been repeated statements in the House, several members, said "If we want, we have two third majority, we can get this report accepted". That is what I wanted to say and that is their misconception, that is what I wanted to say sir, ... (Interruptions) Sir, this was about the provisions of the Constitution of India, I was talking about those provisions of the Constitution of India which they wanted to amend by virtue of this report. Now with respect to the State Constitution they have talked about the replacing of only two amendments in State Constitution, one pertains to first amendment, Act, 1959, by virtue of which the Election Commission of India was given the power. This is first amendment in the State Section.

Sir, kindly listen to me this is required in the State Constitution. You just see page 104. In view of that it has been stated in chapter 2. This Committee recommends the repeal of the Constitution of Jammu and Kashmir, first amendment of 1959. This is one, I am telling you first amendment act pertains to section 138 and control of election shall vest in the Election Commission of India, and the second amendment you want to bring in the Constitution of Jammu and Kashmir, pertains to the nomenclature of the Head of the State and the Head of executive. These are the only two amendments in the State Constitution. Other amendments are being made in the Constitution of India. Constitution of Jammu and Kashmir 5th Amendment of 1955 related to the mode of appointment and nomenclature of the Head of the State and nomenclature of the Head of the Executive. It has been stated by you. Sir, I just want to say one thing there are several members who have said that we have acceded to the Indian Union. We have exercised our option otherwise I have a word of advice for those people sir, they better understand what Pakistan means. They must know how the citizens of Pakistan are being deprived of even the fundamental rights. Even their own citizens do not enjoy the Fundamental Rights. That is the nation where the elected Prime Minister is behind the bars today. If religion could hold the nation together and must also bear one thing more in their minds that it is India which is best hope for all the religious faiths. This is the nation, sir, which gave the best honour to Mother Teresa. She was the lady who got highest honour after Mahatama Gandhi despite the fact that the population, the community she belongs to, continue only 1%. Sir, may I say this is not the autonomy which is going to solve basic problems or grievances of the people, you have to satisfy the basic problems of the people. You have to see what they actually want. There are

certain groups inside, whether it has been initiated by them for the welfare for the economic transformation of the State. I feel sir, that they ought to go ahead.....

Mr. Speaker : I gave you 35 minutes.....

Shri Harsh Dev Singh: Sir, I want to say that it is only the economic and political justice to all the regions of the State, they have to ensure, the people of adakh are already on strike, people of Jammu, there is simmering discontent, apparently they seem to be quiet but I tell you sir, there is big volcano inside them, there is a volcano smouldering inside their artificial quietness, which can explode anytime, you have to bear the severe might.

Thank You sir.

Mr. Speaker: Mr. Mohammad Shafi, Hon'ble Education Minister.

Mr. Mohd. Shafi (Hon. Education Minister):- Sir, before I take the opportunity to give vent to my ideas relating Autonomy Report in this historical session. I would start with the verse of famous poet Ghalib.

آمد بہار کی ہے جو بلبُل ہے نغمہ زن
اُڑتی ہوئی خبر ہے زمانہ طہور کی

Taking due care of my own party Jammu and Kashmir National Conference, the Central Government and in the light of the statements made by other representative parties present in the House, I would make a few submissions the importance of this session is vital because of the fact that not only the South Asian Countries but the whole World has focused its attention on this particular session. I have made a particular mention of my Country on the pretext that it is emerging as a power in the present scenario. All the Global Countries have realized the fact that our Country has to play a vital role in the 21st Century. It is in this direction, that the Foreign Minister of our Country is involved in negotiations with our neighbour Sri Lanka which is presently involved in an internal war.

.....(Interruptions).....

He is trying to play the role of a mediator on political grounds and under a formula relating distribution of powers. My learned friend

considering the historical importance of this session should not ignore the importance of playing this role during 21st Century. In case we desist from fulfilling this responsibility that would be an unfortunate happening. The World as a whole have reposed its confidence in the democratic structure of our Country and expressed the hope that our Country will play a vital role in restoring global peace. The question arises whether our Country would come to the expectations of the inspiration of the World and has the capacity to solve our internal problem in a democratic manner. The credibility of the Country is presently at stake as the Nation is confronted with internal conflicts and these are to be resolved in a democratic and dignified manner. The Kashmir problem topping the list has to be resolved in this spirit. By speaking at the top of the voice no party can claim to be patriotic, rather we have to bring flexibility in our system which would ultimately pave way to find out the solution to our problem. As regards integrity, sovereignty and stability of the nation you should not suspect patriotic approach of my I earned senior friends Mr. Ghulam-Mohdi-ud-Din Shah, Rather Sahib and other colleagues who highlighted the role of N.C. in framing the Constitution and entering into the instrument of accession with the Union of India. In this context they made a mention of the State Autonomy Report right from 1977 till now in all the election manifesto. We did raise the Autonomy issue and held certain promises with the people. This is the first State fulfilling the promises to be made with the people of the State and in this context we formulated the Autonomy Report within the constitutional and legal framework and presented the same not only in this House, but before the entire Nation. During the elections of 1996, Autonomy was the main agenda of our election manifesto. The people of the State in general gave a overwhelming mandate to our party on the basis of this agenda. Now it is up to we people to what extent, we succeed in giving a practical shape to this mandate.

.....(Interruptions).....

Shri Ashok Sharma: You should be thankful to Mr. Deve Gowda..... (Interruptions).....

Mr. Mohammad Shafi (Hon'ble Education Minister): Please have a patience. I will come to that point also because of that agenda we are existing in this House..... (Interruptions)..... our activities are being watched by the people of the State, the Country and we are focus of attention world-wide. In order to fulfill our sentiments within the frame-work of constitution we have presented the Autonomy Report

in the House for discussion and we have made up our mind to take it to its logical conclusion. We leave it to the historians to give its verdict and it matter least whether it is in our favour or otherwise. Our leader Sheri-i-Kashmir used to say that power itself is not the goal, but I mean to achieve the goal. It has been our tradition to use power for the welfare of the people. The question is as to what extent one can believe in the political set up of the Country. My learned friend from the opposition raised certain issues. I would like to refer to the period of turmoil in the Valley when not one Prime Minister but three Prime Ministers of our Country made a statement in the Lok Sabha, Rajya Sabha, particularly the Prime Minister belonging to Congress Party who said that our Constitution is so flexible that within its frame work we can go to the extent of sky. The Janta Dal and left parties under the leadership of Shri Deve Gowda Ji joined hands with our party when we came to power..... (Interruptions).....

Mr. Speaker: Nobody can become leader by speaking loudly. Our activities are being closely watched by the people inside and outside and it is upto you what notion you can give to them.

Mr. Mohammad Shafi (Hon'ble Education Minister): The United Front in it s political manifesto categorically admitted to give greater autonomy to the State of Jammu and Kashmir and when the Front came to power Mr. Deve Gowda Ji, the Prime Minister of India repeated the assurance held out by the United Front and said that it will be implemented in letter and spirit. Thereafter, Shri i. K. Gujral Ji, Prime Minister of India repeated this commitment time and again. I leave it to this House, whether the commitment held by the dignitaries none less than Prime Minister is worth considering or not. In my opinion it will have far reaching consequences in case these commitments are taken lightly and in case you decide to fulfill these commitments it will add to your prestige. You should have every regard for the duly elected representative otherwise there are instances that a nation who does not care for the democratic values ultimately is bound to face gun culture..... (Interruptions)..... I am totally against gun-culture, please have patience to listen to our views as we did when you were speaking and these vital issues have erupted throughout the World. We have just entered into 21st Century and the Wo0rld at large is facing many challenges and it is being admitted that violence is no solution to the political issue.....(Interruptions).....

Mr. Speaker: Choudary Sahib, you have already availed the opportunity to speak, please do not interfere.

Mr. Mohammad Shafi (Hon'ble Education Minister): (Addressing to Ch. Piara Singh). You have distorted my speech, I do not want to have my State in the grip of Pakistan. Please withdraw your words..... (Interruptions).....

Hon'ble Speaker: Choudhary Sahib perhaps you have developed the habit of interfering the speeches of others. Before you rise to speak try to understand the view points of others.

Mr. Mohammad Shafi (Hon'ble Education Minister): A verse of famous poet Ghalib strikes my mind at this stage.....

یا رب وہ نہ سمجھیں ہیں نہ سمجھیں گے میری بات
دے دل اور اُن کہ نہ دے لہجہ کو زباں اور

The entire World has admitted this fact that political issues can not be solved by forcible methods. It is a universal truth that the conflicts of general, nature, conflicts between the States cannot be resolved by force but resorting to peaceful methods on the basis of principles for example the conflict of Scotland. Our endeavour is that the problem of Tamils residing in Sri Lanka and Afghanistan issue should be solved peacefully and in democratic manner which forms part of our Foreign Policy. Efforts are being made to thrust one nation, one culture rule on our Country which is unfortunate and this tendency should be curbed at all costs. In case these elements are given a free hand that will prove disastrous for the Country.....(interruptions)..... We must be broad minded and should not preach from Hindu, Muslim points of view. We demand restoration of 1953 position but you try to drag Pakistan in each and every issue.....(interruptions).....

Mr. Speaker: Mr. Dogra this is not good, please take your seat. After every five minutes you rise to interrupt. This is not a good tradition.

Mr. Mohammad Shafi (Hon'ble Education Minister): Sir, the irony of the fact is that repeated attempts were made for the last 50 years to erode the Constitutional and legal rights of Muslims, Hindus, Sikhs, Christians and Buddhists of Jammu and Kashmir State, quite contrary to their wishes and I will categorically say that the residents of J&K State will never compromise with this sort of situation. In case you want

to project your Country as a menu and symbol of monarchy and dictatorship. You are at liberty to do so.....(Interruptions)..... My learned friends Mr. Harsh Dev Singh Ji and Bali Bhagat raised the issue of Kashmiri, Hindu migrants. I would clarify that this community is part and parcel of our culture and we are adamant to seek them back in their native land with honour and dignity. If there are any hindrances, these are being created by you.....

.....(Interruptions).....

Ch. Piara Singh: Sir, No Kashmiri Pandit intends to return to Valley(Interruptions).....

Shri Mohammad Shafi (Hon'ble Education Minister): Sir, it is an established fact that when a Nation is being deprived of all fundamental democratic rights, the situation leads to armed conflicts as has happened in north east, Bihar, Latin America, Africa and even in Algeria. You cannot conceal the historical facts.....(Interruptions).....

This is part of our history and history itself will decide who was at the fault to lead to the present situation.

Ch. Piara Singh: Sir, not a single Muslim from the Valley has fought for Muslim freedom.....(Interruptions).....

Shri Mohammad Shafi (Hon'ble Education Minister): It is very unfortunate that you are giving the situation a communal trend.....(Interruptions).....

Hon'ble Speaker:- Choudary Sahib, by resorting to this tactics you are damaging the cause of your party. Have patience, ...(Interruptions).....

Shri Mohammad Shafi (Hon'ble Education Minister): Sir, since some of my colleagues here have raised objection from Autonomy points of view, it therefore, becomes obligatory on my part to react.....(Interruptions).....

I am trying to project the Autonomy issue irrespective of party politics in the light of prevailing atmosphere, international circumstances and considering the present status of my Country which is at present emerging as an economic and political power. I would like to refer certain objections raised by my learned friend Shri Harsh Dev Singh, wherein he stated that our party by raising Autonomy issue is trying to distort various chapters of our Constitution. Harsh Dev Singh Ji is

a learned Advocate but I feel perhaps he has either not gone through the Autonomy Report or he is trying to give a wrong impression intentionally or un-intentionally. I feel sorry to say that the media in the grab of Autonomy Report has launched a disinformation campaign, otherwise, the chapter of Fundamental Rights in our Constitution forms its very base.....(Interruptions)..... your contention is that there is no scope for any discussion on fundamental rights and even Parliament cannot move any amendment in the chapter relating to fundamental rights. I would like to refer to the agreement executed in 1952 wherein it had been admitted that the chapter of fundamental rights would apply on our State with six amendments till our own Constitution is formulated and when we will be able to formulate our own Constitution we will incorporate these rights in our State Constitution and unless these are being incorporated as required these provisions would remain in force and you should have no apprehensions in this regard.....(Interruptions)..... second point raised was in respect of the Jurisdiction of Supreme Court on our State. As per the agreement of 1952 our relations with the Country as compared to other States were of different nature, this is not my contention. The Chief Justice of India Dr. A.S. Anand has also endorsed my views. It has been the tradition of the Central Government to decentralize the powers but so far as State of J&K is concerned, the relations of our State with the Union are of different nature. The process of unification suggested by Sardar Patel will not be applicable to this State as stated by Chief Justice Shri Adrash Sen Anand. During the regime of Jawahar lal Nehru, the Chief Architect of India and the Iron Man of India Sardar Patel who also used to be the member of Constituent Assembly, some grave mistakes took place and some acts of injustice took place which need to be rectified. Shah Sahib and Rather Sahib gave a Constitutional background of article 370 and stated that the temporary nature of article 370 was due to this fact that an option was thrown open to the then Constituent Assembly to abolish this article in case it so desired. I would like to apprise Mr. Harsh Dev Singh in particular that our relations with the Centre were based on federal principles and today our demand is that in case these principles have been violated stone usurped under some conspiracy, it should be rectified. It is our moral obligation that in case the basic structure of our relations with Centre have been violated, these should be restored as provided in the Constitution. This is the need of the hour and demand of the democracy. This is the golden opportunity for the Centre to avail off. It is a sort of window of opportunity that the Central Government with the ambit of Constitution and on the basis of agreements held between the State and the Centre from time to time takes imitative to strengthen the

ties between the Centre and our State. I would like to put a question to my learned friends especially those belonging to Congress Party to quote an instance.....(Interruptions)..... I would refer to you Yugoslavia where a federation was constituted on the basis of force under a written agreement with the Soviet Union to this effect that all the States of Bulken would be unified, no matter they form a part of Communist Rule. Please give me a single instance of existence of the federal system which would have disintegrated. Same was the case in United States of America and Austria despite the fact that multicultural societies exist there. In Canada a particular party supports the merger of Cuaba with Canada, and on this policy it wins the election but looses the referendum there because people know that within the purview of federation they will loose their grip on enjoying fundamental rights and means of justice. There is nothing to worry if our demands are considered we have got a charter of Naya Kashmir and it can provide ample opportunities for us to frame our laws in a better manner and in accordance with the wishes of the legislators. My humble submission is that the relations of State with the Centre need to be reviewed within the provisions of Article 370. Thereby the confidence of the people in peace and safety will be restored and the people in general will feel confident to have faith in the democratic structure of the Country and ultimately an atmosphere could be created where the people will have no fear of terrorism and unfair use of force. Our neighbouring Countries can play a vital role in bringing peace to the sub-continent. First of all we should create a conducive atmosphere in our Country and try to adjust ourselves with the changing scenario (Interruptions).....We have taken initiative to have negotiations with the Centre initiating the process of reconciliation in a Democratic manner. This is a historical moment. Please try to take this process to its logical conclusion, God forbid if we fail to do so the history will never forgive us. During the last 50 years repeated efforts for deviating from implementation of Article 370 were made but these efforts never bore fruitful results. Please try to be realistic I will particularly request my learned friends form opposition to play a mediating role in this respect so that a new atmosphere is created which would ultimately lead the State to prosperity and era of peace. By doing so we will give a befitting reply to the people who are bent upon to disturb the peace and tranquility of the State. Thanks.

Mr. Speaker:- Shri al Singh Ji.

Mr. al Singh: Mr. Speaker, Sir, the resolution put forth by Mr. Handoo was projected by Mr. Shah and Mr. Rather in a commendable manner and Mr. Shafi also did not lag behind. Before I come to the

issue under discussion I would like to refer to some historical events when the then Maharaja of Kashmir entered into an instrument of accession with the Union Govt., he had certain limitations. He at that time had not sufficient resources at his command to protect the State from external aggression otherwise he was not the person who would have left the State under this compulsion, he signed the agreement on three Conditions, while signing the agreement he had in mind to rule the State afresh and because of that he confined this instrument of accession on three main issues. The fact is that neither Maharaja nor Sheikh Sahib did take the people of the State in to confidence in respect of Autonomy.....(Interruptions).....

The sacrifices laid down by Sheikh Sahib were exclusively for Kashmiriat. Please quote a single instance when (Interruptions) kindly listen to me to know my contention.....(Interruptions).....There is no difference of opinion that Sheikh Sahib was a Super-Star in the history of Kashmir. I would refer a statement of Mr. Nehru who did say that a progressive thinking was emerged in Kashmir. The laws framed in the State till now were the outcome of the people who always used to have a progressive approach, but unfortunately the people claiming to be the followers of Sheikh Sahib are lacking this quality. I would put a straight question to my N.C. colleagues that, the Kashmiri, Dogras, Jads, who at that time joined Indian National army and stood against the Britishers, what motive they had in their minds. They sacrificed their lives for the independence of India they wanted Country to get liberated from the Britishers. Our forefathers have given sacrifices to a considerable extent and these patriots include my grandfather Shri Hoshiar Singh Podwal. I would categorically say that in three regions of State there exist no issue of Hindu, Muslims or Sikhs. Every region has got its own identity and existence.(Interruptions).....

Mr. Speaker, it pains me to say that the manner in which the legislators belonging to ruling party are reflecting the issue of Autonomy is not proper. They are giving a notion of being unsecular and thereby creating apprehension in the mind of Muslims belonging to Rajouri and Poonch we do not want to see our State disintegrated at any cost.....(Interruptions)..... We would like to see the ruling party more progressive by raising the issue of Autonomy at this juncture. We should respect the sentiments of people belonging to all the three regions of the State. I am not a law knowing person and would not take resort to the voluminous law books including our Constitution of India. I would only try to reflect the sentiments of the people.....(Interruptions)..... You are already involved in distortion of Article 370.....(Interruptions).....

During the last 50 years you have disintegrated this State by raising communal issues and this time also you are trying to exploit the sentiments of the people of the State which will ultimately prove disastrous for the Country. One of our contention is that Mr. Slathia, Mr. Sadhotra and Ajat Shatru Singh who won their seats from Jammu Province and are with you. May I ask whether these candidates during election did raise the issue of Autonomy in Jammu.....(Interruptions).....

Shri Ajay Sadhotra (Minister I/c Food & Supplies): Mr. Speaker Sir, on a point of order.

Mr. Speaker : What is your point of order?

Shri Ajay Sadhotra (Minister I/c Food & Supplies): Mr. al Singh Ji has stated that we did not touch the Autonomy issue during the election. Perhaps Mr. Shafi.....(Interruptions).....

Mr. Speaker: Please elaborate your point of order.

Shri Ajay Sadhotra (Minister I/c Food & Supplies): On a point of information.

Mr. Speaker: What is your point of information.

Shri Ajay Sadhotra (Minister I/c Food & Supplies): Sir, the Autonomy issue was included in the election manifesto of National Conference and during election we did raise this issue. During election.....(Interruptions).....

Mr. Speaker: Mr. al Singh and ala Ji please listen to me(Interruptions)..... ala Ji it does not suit you to behave in such manner. al Ji, despite being the junior member you belong to a party of high reputation. Your language should be parliamentary.....(Interruptions)..... Nobody has given you the license to call any member a communal. You are sitting in the highest forum of the democracy and representing the considerable number of people. Now please proceed.

Shri al Singh: Sir, a sizeable population of Muslims resides in Poonch and Rajouri and when you claim to be the representative of

the Muslims of State, you ignore the Muslims of Rajouri, Poonch, Doda and Udhampur. A major portion of the population has migrated from their native land, they have some genuine demands which need to be considered on priority basis. My submission is that without taking care of all the three regions of the state it would be a futile exercise to raise the issue of Autonomy at this stage. My contention is that 14 seats won by the National Conference in Jammu province and due to Farooq Sahib, as his style of playing with the politics has perhaps won the hearts of the people in Jammu. Your Party being in the power right from the word go should realize its responsibilities and guide the members belonging to the opposition in a proper manner. The Chief Minister has been summoned to Delhi for talks. I do not know on what lines the Centre wants to negotiate with him. We should not forget that both India and Pakistan used to be one nation and we were victims of the partition. Sir, while referring to the Maharajas regime the ruling party Member's used the word "Hari Singh" frequently which does not befit the prestige and honour. The members belonging to the ruling party, should adopt the same procedure.....(Interruptions).....

Sir, I did say that during the last 700 years the incidents of change of religion forcibly took place.....(Interruptions).....

Mr. Mohammad Shafi (Minister I/C Education): Sir, on a pint of information I would clarify the apprehensions of the Hon'ble Member by swaying that when we go through the History of Kashmir, whether it is History of Kashmir by Mohi-ud-Din Faaq or History of Kashmir by Hargopal Har Dutt, my learned friends cannot quote a single instance when the people of Kashmir were forced to change their respective religion.....(Interruptions).....

Mr. Speaker: Mr. al Singh Ji, you are a learned Member and you are aware of the fact that by raising such issues your problems get complicated. In order to create healthy atmosphere, you should think before you make certain utterances.

Shri al Singh: Sir, our State has got very rich History if Kashmir gave birth to Kashyap, Great Sofi, Poet Nund Reshi was also the product of Kashmir.(Interruptions).....

In my opinion the Autonomy report putforth in the House for discussion lacks importance because no mention of Gujjars and Bakerwal Communities have been made in this report. I would recall the Indra-Sheikh accord where two of the renowned stalwarts of National Conference Mr. G.M. Shah and Mr. D.D. Thakur gave certain suggestions before its implementations but late Sheikh Sahib ignored the suggestions of both the leaders on the pretext that one of the leaders will get agitated in case his suggestions are not considered.

Hon'ble Speaker: Mr. Dubey.

Mr. Jagdish Raj Dubey: Sir, the resolution pertaining to the Autonomy Report is under discussion in the House for the last two days. I fail to understand what the present Government is going to achieve by introducing this resolution. The devotees undertaking the Yatra of Mata Vaishino Devi or Shri Amarnath Ji would have to obtain permit for the Yatra. Are you going to repeat the same practice. I would seek clarification from the treasury benches whether they want to exempt the State of J&K from the jurisdiction of Election Commission? I would also refer to the election of 1952 when the election papers of the opposition party were out rightly rejected and 75 out of 75 seats were declared uncontested. Do you want to repeat that practice. My third point is that you perhaps want to constitute an Election Commission of your choice in the State. Which would act on your advice and thereby democratic set up in the State will receive a set back. The people of Jammu and Kashmir after getting deprived of justice in the State. High Court, seek justice in the Supreme Court. Are you going o snatch this right from the people of the State. In case your Autonomy Report is implemented, the Governor and the Chief Minister of the State will be redesignated as Sadar-i-Riyasat and Prime Minster respectively. Parallel to Rashtrapati and Prime Minster of India which will lead to a confusing situation. After 1953 IAS and IPS officers deputed in the State are performing their duties with dedication and sense of responsibility. Your Government wants to throw them out of the State and depute officers of your choice. Your intentions are to introduce laws detrimental to adakh and Jammu regions. You want to restore the evacuee property to those who had migrated in 1947 consequent upon which the people holding this property will be rendered homeless. There are clear apprehensions that in case the resolution regarding Autonomy Report gets the approval of the Central Govt. every State

of the Country will come up with similar demand which would ultimately result in disintegration of the Country. I warn those who are at the helm of affairs that this will lead our Country to complete disaster. The Western Countries are keenly watching the situation and in case this resolution gets through they will find a suitable colony in the shape of an Autonomous State of J&K to hatch conspiracies. The Central Govt. allocates funds to various developmental works and in case you dispense with the services of the Auditor General who would assess your accounts. My learned friend Mr. Mohammad Shafi in his speech claimed that the people of Jammu have given a clear mandate to their Party as 14 Members got elected from this province. I would like to say that Shri Deve Gowda Ji had announced Shri Farooq Abdullah as Chief Minister of the State well before the election and it was the outcome of this announcement that his party was successful in 14 seats. Besides Jammu province and Kashmir province having the facility of a Medical College for each province and 100 seats for each college were supposed to be allocated but Jammu College gets only 35 seats against 299 seats for Kashmir Medical College. In this the Justice you are going to give the Jammu people. I would also make a mention of writing off the loans to the tune of 50 and 10 thousand rupees on national level during the regime of Mr. V.P. Singh. The State of J&K is the only State where the people were deprived of this concession. During the visit of Deve Gowda Ji to Jammu Province our party raised the issue of remittance of agriculture loan upto 50 thousand. The Prime Minister assured us that agriculture loan upto 50 thousand will be written off. This assurance was implemented in Valley but not in Jammu. I would like to say that 20 days before 22 transformers got damaged in 5 to 6 villages of my Constituency due to high winds and the residents are clamouring for drinking water and electricity. I approached the Ministers but nothing happened so far. Considering these facts I strongly oppose the restoration of 53 position and would request to withdraw it.

Mr. Speaker: Haji Mohammad Abass Sahib.

Haji Mohamamd Abass: Sir, I rise to speak in favour of the resolution. In 1947 the Maharaja of Kashmir entered into an agreement with the Union Govt. by way of instrument of accession on three issues. Our leader Sheikh Sahib being the symbol of farsightedness reposed full faith in the democratic structure of the Country. The entire Nation realizes today that it was a right decision taken at the right time. It is quite unfortunate that the towering personality who brought the poor Kashmiries out from the clutches of the monarchy, is being

labeled as the leader of Kashmiries alone. He was true founder of secularism. It was right in 1947 that the leadership of Kashmir preferred to have Kashmir an Independent State and right from the date this slogan was raised in the State, conspiracies began to hatch up resulting in the imprisonment of Sheikh Sahib in 1953. This episode was followed by Indira-Sheikh in 1975 and the issues relating to instrument of accession became the subject matter of discussion. In the larger interests of the Country he even sacrificed some basic fundamentals. The same ugly drama was repeated when Farooq Abdullah was in power with the result the people in general lost faith and confidence in Indian Democracy. Even Maharaja of Kashmir was in support of giving an autonomous position to our State and our party wants the restoration of 1953 position. I think it is not a new issue. Some of my learned friends tried to give it regional twist. I would like to refer to the resolution put forth by the people of Jammu and Kashmir to the President of India in 1949 wherein they had demanded separation from the Kashmir Province and merger with Jammu Province. Did not it tantamount to giving the Kashmir Politics a communal trend. The irony of the fact is that whenever our party takes steps for the betterment of the people of State they shut their eyes, whenever they get an opportunity they exploit the weaknesses of the Govt. When we talk of separation from Kashmir, we are totally wrong because Kashmir is the nearest territory from our region. Both of us are interdependent and while talking of our future strategy we should not deviate from the path of secularism leaving aside that the Karul District is Muslim dominated. Gandhi Ji saw a ray of hope in Kashmir when the entire Kashmiri Nation stood against the antiseccular forces. Dr. Farooq Abdullah came into power in 1996 during the period of turmoil in the Valley which was not an easy situation to handle. The turmoil period was followed by Kargil conflict in 1999. Dr. Sahib exhibited tremendous courage when he went door to door in Kargil and encouraged the fighting jawans as well as the local population due to which our territory was saved. In case you forget these sacrifices, I have no hesitation in calling you ungrateful. In case the Central Govt. pats those elements who are preaching regionalism, no power on earth can save our Country from disintegration. Our region is being deprived in respect of reservation by both Centre and State Govt. You will not find even an orderly in Central Offices. ITBP or BSF belonging to Kargil. Credit goes to the present Govt. for initiating work on the construction of an airport in Kargil, we had also requested to construct an airport at Zoogila, from defence point of view. The people of Jammu and Kashmir are living together for Centuries. We are

totally against the partition of our region. Our only ambition is that the people of our region must get all those facilities and amenities which are being enjoyed by the other of the State. Thank you Sir.

Mr. Speaker : Choudary Sahib.

Choudary Chuni al: Sir, the resolution pertaining to Autonomy Committee Report is under discussion for the last two to three days. In 1947 India celebrated its freedom and the State of J&K simultaneously got its freedom with it the era of Maharaja's rule was over and the laws framed by the Independent India became applicable. As regards the State of J&K Maharaja of the State acceded to Union of India under an agreement. A good number of members here stated that this instrument of accession was executed subject to some conditions, which is not a fact, because ours was not the only State which entered into agreement, 362 other States acceded to India and a uniform procedure was adopted by the Govt. of India in respect of the execution of the agreements and there was hardly any scope for any State to impose its own conditions. (Note: **Mr. Dy. Speaker** : In the Chair). In 1947 National Conference under the leadership of Sheikh Mohd. Abdullah came into power and a constituent Assembly was constituted at the Centre which included four members from J&K. My learned friends please do not forget that no Constituent Assembly was constituted in J&K. The Article 370 on which you have focused your attention forms part of Constitution of India and not of the Constitution of the J&K. The time when Article 370 stood incorporated in the Constitution of India the Constitution of J&K did not exist. The Article 370 has remained untouched till now. I fail to understand why to make it a subject matter of discussion. When the Constituent Assembly of J&K framed its own Constitution it was not interfered by the Constitution of India. Mr. Law Minister is seated in the House, can he quote a single instance where the Constitution of J&K was interfered under the provisions of the constitution of India. Pt. Jawahar al Nehru and Sheikh Mohd Abdullah used to be fast friends. It was perhaps on the basis of this friendship that our State enjoyed certain concessions prior to 1947 which otherwise were not to be extended to the State. The same Pt. Jawahar al Nehru got Sheikh Abdullah arrested in 1953 for the reasons better known to him or the senior leaders sitting here, one of them is sitting in the gallery. Perhaps he is aware of the reasons for the arrest. I at that time was very young. A conspiracy case

was leveled against Sheikh Abdullah but later on he was exempted from the charges. The reasons for arresting Sheikh Abdullah and releasing him later on are better known to Sheikh Abdullah or Pt. Nehru. The blunder was committed by Pt. Jawahar lal Nehru and our party was not involved because Jansang did not exist at that time. The episode was followed by Indira –Sheikh Accord in 1970. Shri Parthasarathi represented Indira Gandhi and Mirza Afzal Beg represented Sheikh Mohd Abdullah. What was the subject matter of discussion at that time is not known to me. However the editorials published in various news papers clearly reflect that the issue of Autonomy of independence was not discussed at all. Shri Mubarak Shah a senior leader of National Conference and a close associate of Sheikh Mohd Abdullah played a key role during the course of negotiation. It will be worth while to mention that some of the close associates of Sheikh Abdullah after tendering apologies got themselves released from the Jail. On 26th Feb. 1975 Sheikh Mohd Abdullah was sworn in as Chief Minister of the State and in 1977 he was dragged out of the power and subsequently Governor's Rule was imposed in the State. Thereafter Sheikh Mohd Abdullah fought election and won with a thumping majority. During the course of next election Sheikh Mohd Abdullah breathed his last and his son Farooq Abdullah was sworn in Chief Minister of the State. All was going well when all of a sudden the Central Government toppled the Farooq Govt. Yesterday a senior Minister did say that when a Muslim say something he is being labeled as communal but the same thing does not apply to Hindu, which is not a fact. When India came into existence Pakistan stood to oppose it. In India there is no room for raising Hindu. Muslim issues in support of my contention I would refer to Mr. Mohd. Karim Chqala, a Muslim who used to be the then Foreign Minister of India. The President of India upto now were Mohammedans, we are proud of our secular character. I would like to remind you the toppling of Farooq Abdullah Ministry. Ours was the first party to oppose this move, I with my colleagues even staged a dharna.....interruption.....

I would like to clarify almost all the Political Parties in the Country extended their full support to Farooq Abdullh and consequently he did participate in the conference held at Vijayawada. I fail to understand who has leveled Farooq Abdullah as a traitor. Similarly some irrelevant issues were raised in the House which need to be condemned in 1975 when Sheikh Abdullah came into power he never demanded to be called the Prime Minister of the State rather he

preferred to continue as Chief Minister. Thereafter in 1987 the State and the Centre entered into another accord and it was followed by elections. I would like to ask Mr. Shafi Sahib please define those rights which you cannot enjoy within India.

Mr. Mohd Shafi: Mr. Dy. Speaker on a point of information, Sir, during my speech I did say that where the Govt. deviated from the sanctity of the ballot it naturally gives birth to gun culture.

Shri Chuni al:- Sir, let me accept version of Mr. Shafi for a while however, I would repeat that in 1987 when Farooq Abdullah and Rajiv Sahib entered into An accord the issue of Autonomy was not projected therein. The issue of Autonomy was raised only after 50 years of independence lying emphasison two major issues i.e Delhi agreement and erosion of the provisions relating to Article 370.

Mr. Dy. Speaker: Chowdhry Sahib please conclude your speech.

Ch. Chuni al : Sir, the Members belonging to the Ruling Party Have given distorted version of Article, 370, may I know why the Govt. is hesitating to give a detailed report of the accord. I would request the aw Minister to make available Photostat copies of important letters so that a real picture is depicted in the House.....interruption.....

Mr. Dy. Speaker : All right, you will get the Photostat copies of these letters.

Shri Chuni al : Sir, I do not believe in opposition for the sake of opposition.....interruptions.....Sir, the people of the State had out rightly rejected the Simon Commission Report in 1935 and the Act of 1939 relating to abolition of accession was rejected by the people of India and the framers of the Act were asked to leave India. I fail to understand why you are connecting Simon Commission with your Autonomy Report. You had launched an agitation against the Maharaja's regime. What is the justification of dragging the Constitution of 1939 with your issue.....

Mr. Dy. Speaker: Please conclude your speech.

Shri Chuni al : Sir, here I would refer an order issued by Maharaja of Kashmir which reads as under :-

“ Nothing in this instrument effects the continuance of my Sovereignty over the State, save as provided by or under the instrument in exercise

of my powers, authority and right now enjoyed by me as rule of the State or the validity of law at present in force in the state". The aforesaid order is very clear. As regard Article 370, I would refer to Article 306 framed by late Sheikh Mohd. Abdullah was not accorded approval. The task was entrusted to Shri Gopala Swamy Ahynagar, the architect of Article 370. I will quote some of its relevant portions which reads as under :-

Mr. Ayanager presented draft letter dated 15th October, 1949 with a view to protest Mr. Patel and rejection by Sheikh Sahib. On 16th October, 1949 Mr. Ayanger prepared yet another draft.....in consultation with the Kashmir resolution. It was finalized on the afternoon of 16th Oct. 1949 on the assurance that the agreed draft would be moved, Mr. Beig withdrew his own amendment. Sheikh Mohd Abdullh recorded the agreement on another letter dated 16th October and thanks Mr. Ahyanger for this point. I would like to ask the Govt. was Sheikh Sahib at fault in accepting the letter of Mr. Ahyanger? Till now no Govt. in the Centre has affected any change in it. Therefore, so many laws were enacted. I would like to make mention of the issue in the union list and the concurrent list prepared by the State Govt. are declared by President to postpone the matter specified in the instrument of accession of the State. If the dominion of India in a matter with respect to which the dominion legislators may make laws for the State.....interruptions.....

Dominion envisages to have the power to make law for the State till now dominion of State has not passed any law regarding the State separately. If any law has been passed whereas it has been written.....interruptions..... that all be applicable to whole of India except the State of Jammu and Kashmir.

Mr. Dy. Speaker : Chuni al Ji kindly resume your seat. You have consumed enough time now please allow other members to speak.....interruptions.....

Mr. Chuni al : Sir, Are you to force me to reveal before the Jammities that I have not been allowed to speak.....interruptions.....

Mr.Dy.Speaker :Ch. Chuni al Ji you have consumed more than eight minutes. Now please resume your seat Ch. Mohd Ramzan.

Ch. Mohd Ramzan: Sir,

ہم وفا کرتے رہے وہ جفا کرتے رہے
اپنا اپنا فرض تھا دونوں ادا کرتے رہے

Sir, It is beyond any doubt that the present session is going to perform a historical event. The special historical session has provided us with an opportunity to make amendments in respect of the excesses committed during the last 47 years with the people of Jammu and Kashmir in the grab of legislation. I am confident that in case we take the proceedings of this session leaving aside the party policies and we are determined to restore the Constitutional Rights of the people we can do justice to the integrity and sovereignty of the State.

I endorse the view points of my party colleague that world has focused its attention on this extra ordinary session taking into the consideration, the changing political scenario in the State. The untoward happenings in our State will have positive effect on the political approach of the Nations filling within the sub-continent. Kashmir has already become the bone of contention between the two Countries of the continent. The Kashmir issue has already given three conflicts in the year 1947, 1965 and 1971, besides the recent Kargil conflict. I have apprehensions that in case we do not impose restrictions on these activities time will come that our State will become a ground for International Conspiracies. We re observing that U.S.A is plying the role of peace maker and it was in this context that American President Bill Clinton visited India and his visit has resulted in some drastic changes in political scenario of the State. I think the release of Hurriyat leaders was the outcome of foreign pressure. The release of Hurriyat leaders was followed by an offer of the Central Government to initiate dialogue with the released leaders. Justifying their contention, the Central Government Stated that only local will be involved in the talks. Despite knowing their involvement in subversive activities. They gave them the clear hint by involving them in the talks. I would like to refer to Sind Doorshan Mela held at eh one of the correspondent put a question to our Home Minister whether the Centre is ready for tripartite talks and reacting to the question the Home Minister expressed his willingness. In retaliation of this statement a renowned leader of Hurriyat stated that they are ready to participate in tripartite talks including division of State in the light of ethenic affiliation and religious beliefs. It matters

least that there after they denied to have given such a statement. Some of my learned from BJP expressed their apprehensions that in case resolution relating to Autonomy of the State is concerned though it will result in disintegration of State. Your intensions are not clear. Being a party worker of my party I have got every right to project my sentiments. Please make clear your game plan. We have placed our demand openly not only in the State but throughout the Country. We did make the Autonomy Report public and it was subject matter of discussion throughout the country. Please clarify do you want to divide the State on ethnic or religious basis .please keep it in mind that our party under the dynamic leadership of Dr.Farooq Abdullah will never allow it to happen. We do not object initiating dialogue with Hurriyat but priority be given to our suggestion of Autonomy, our press has given a very wrong notion to the public that by introducing this resolution we are trying to sabotage the dialogue. It has been highlighted in the very preamble of the Constitution that our Democratic structure is based on three pillars namely Socialism, Secularism and democracy and our demand is within this ambit of our Constitution whereas the party with which the Central Govt. is trying to initiate the dialogue even does not believe in the Constitution. You should not forget that we rejected the two nation theory when the entire sub- continent was in the grip of communal violence. al Ji while intervening Shah Sahib yesterday you said that we can not reverse the history. I would advice you please have courage to face the present circumstances. It will add to your prestige. The People of the State especially those belonging to the Valley are politically conscious to the extent that unless they watch various T.V. Channels and go through almost all the news papers they will not go to their beds. One of my learned friend stated yesterday that since 1953 much water has flown in the Jehlum. But I would like to add it to his knowledge that the blood of thousands of innocent people has also mixed with this water and the process is still going on. While commenting you should take care of this situation also. My learned fiend Mr. Dogra in his speech stated that the militancy erupted in 1987. He also made a reference of the incident when some of our leader severely beat an agent of MUF candidate in Kothibgh Police Station . It is under estimate that you are pleading the case of those people who were the creation of Congress leadership at the Centre and they were given a free hand to play against our candidates in elections. Kashmir problem has not erupted in 1987, it started from 1947 and took a new dimension when Sher-i-Kashmir was arrested in 1953 and kept behind the bars for

22 years thereby the legitimate constitutional rights of the people were usurped. The situation prevailing at present in the State has nothing to do with the election. Some of your party men raised the issue of restricting gun-culture in the State. They even said that the people of J&K State want basic amenities of life. They are least interested in the Autonomy of the State. I would like to ask whether the Congress Party which used to be in power in the State gave free ration to the people but still they could not win their hearts. You are asking our Govt. to stop militancy in the State. I would say that every worker of N.C is fighting for the integrity of the Country and individuality of the State. It is not our job to curb militancy as the borders are directly under the control of Army and BSF. It is a pity that despite exercising round the clock vigil your Army and Para- Military Force has failed to stop the infiltration from across the border. Mr. Speaker, Sir despite having a helipad at a distance of two kilometers from the District Headquarter, Kupwara your army could not control subversive activities there. Here I would quote the instance of the hijacking of the Indian Airlines Aeroplane. The relatives of the hijacked hostages staged a dharna within the premises of Prime Minister's House and compelled him to get released their relatives in exchange of dreaded terrorists, still you blame our party for not coping with the militancy in an effective manner. It is a sheer dual policy. You must clarify your position in this behalf. Sir, the blame that by introducing this resolution we want to separate our State from the rest of our Country is baseless. The purpose of demanding Autonomy is to strengthen the State Centre relation. The irony of the fact is that the short sighted leaders of India never took the issue of Autonomy in its right perspective and if we demand the restoration of Autonomy within the purview of Indian Constitution in order to restore confidence of the people in the Indian Democracy we are justified. We want to be with India with dignity and honour and not otherwise and within the legacy of Sher-i-Kashmir Sheikh Mohd Abdullah which at present Dr. Farooq Abdullah is carrying forward under the banner of National Conference. It is quite unfortunate that we are being labeled as antinational. Apparently we have tied our relations with India from 1947 but I may inform the House that these relations existed 450 years before, on the basis of culture and trade. There is no difference of opinion in respect of the accession of State with India on two main issues i.e. instrument of accession and Delhi agreement. The instrument of accession involved three major issues namely Currency, Defence and Foreign Affairs. The rest of the powers including residual sovereignty vested with the State, under Article 370. All the

States were authorized to frame their own Constitution in their respective Constituent Assemblies. At that time only four States namely Saurashtra, Travancore and Cochin, Mysore and J&K availed of this option and constituted their own constituent Assemblies. However 3 of the aforesaid States excluding J&K did not frame their Constitution. The J&K enjoys this privilege that it formed its own Constituent Assembly and Constitution which very much exists at present. Majority of the members of the House expressed their apprehension that in case the demand of Autonomy is acceded to by the Centre, the remaining states will claim for the same. My submission is that our State should not be clubbed with other States because other States had merged with the Union of India whereas our State had acceded to India. You should therefore differentiate between merger and accession. In case you adopt a rigid policy in granted these rights to our State it will prove detrimental for our Country. I would like to make it clear that the majority of the members have been elected to this House on the basis of one agenda and that is the Autonomy issue and we are committed to restore the Autonomy of the State. In case this process is delayed it will tantamount to betray with the people of the State. I would like to inform the House that during the period when militancy was on its peak, we had given resolution on 2nd November, 1994 wherein we had stated clearly that unless the Autonomy is restored we will not participate in the election. Consequent to our resolution the then Prime Minister Mr. Deva Gowda had issued a political package but we did not accept that. This process was followed by another offer namely common Minimum Programme. The working committee of National Conference decided to plunge into election arena. I would refer to the convention held by the Panthers Party in 1995, where a committee for the co-ordination of intellectuals and legal experts of the State was constituted and a resolution was passed in the convention, the copy of the said resolution is with me. The resolution contains 3 important issues which I would like to disclose in the House. The contents of the resolution reveals that there should be a guarantee of forming Govt. and the scope of the self rule should be determined by the forth coming legitimate representatives of the people, and there was a Consensus that quantum of such self rule may be reflected in the future Assembly of the State. Some dignitaries who participated in the convention were Shri Trilochan Dutt, Sh. Harbans Singh Azad, Prof. Bhim Singh, Shri Praduman Singh, Peer Gyas-ud-din, Saraf Sahib, Shri Voddh Raj Bali, Sh. Takroo Sahib, Sh Dhan Raj Balgotra, Sh. Rafiq Hussian Khan, Prof. Hari Om from BJP, Sh Moh Yousuf

Tarigami, Shrimati Vijay askshmi Pandit, Sh Govardhan Singh Jamwal, Ex-Minister of state for Home, Mohd Maqbool Dar, and Dr. Rekha Choudary of Jammu University. The resolution passed in its right perspective.....interruptions..... I fail to understand what they want to convey. At one time they talk of self- rule and at another occasion they suggest to get reversed to the position of 1947. Today they talk of declaring the accession of accord as null and void. Some times they raise the issue of re- unification of the States. Is it not a confused situation? In House they give a statement quite reverse to what they say out side this House.....interruptions..... My learned friends who belong to Congress and BJP raised the issue of obtaining meager percentage in the election of the N.C. How far the allegations leveled by the opposition is true can be nullified by the percentage of votes (36%) achieved by the MP elected from my District, despite the fact that subversive elements with all their might at their command were bent upon to harass the common voters. Casting of votes in other States cannot be compared to our State considering the prevailing law and order situation in the State. During the period of turmoil in the valley during 1996 the local and National Press was totally against Dr. Farooq. The press even went to the extent of saying that Dr. Farooq is not a trust worthy leader and his party National Conference hardly exists in the State but contrary to their observations and comments the people of Jammu, Kashmir and adakh repoused their confidence in our party and gave a two third majority to our party including 14 seats from Jammu Province and three seats from adakh Region, which is a clear indication that our party enjoys the confidence of people in all the three regions. It is quite unfortunate and disgusting when one of my learned friend belonging to adakh said that their region does not accept Sheikh Abdullah as their leader. The adakhis take Kaushak Bakola as their leader and we also admit his leadership but for the information of Hon'ble Members, I would like to say that Kaushak Bakola was also the follower of Sheikh Mohd Abdullah. et me remind this House that during Qabali Raid the infiltrators had reached even upto Batamallo and Airport and at that time no Indian solidier was here to repulse their attack. It was Sher-i-Kashmir Sheikh Abdullah alongwith Kashmiri Nation who defended the territory of the State by raising Slogans, " Humla Aawar Khabardar, Hum Kashmiri hain tayar".....interruptions.....

Hon'ble Deputy Speaker: Ramzan Sahib, please conclude your speech.

Ch Mohammad Ramzan.: Sir, I am just concluding the demand put forth by the secular national and democratic forces in this House is worth considering and in case you show a causal attitude to deal with the situation this House will be captured by those elements who are equipped with Kalasnikov guns and explosives. My humble submission is that the excesses done to the people of the State by snatching their constitutional and legal rights may be restored to their confidence. I would therefore, request all the Hon'ble Members including opposition to support the resolution. While concluding my speech I quote a verse:-

گلہائے رنگارنگ میں ہے رونق چمن
ہم ہی ہم ہیں تو کیا، تُم ہی تُم ہو تو کیا

Shri Som Nath : On the point of order,

Sir, the Hon'ble Minister of Agriculture claimed that his party is representing all three regions of the State. May I know why Dr. Karan Singh tendered his resignation from the Autonomy Committee?

Hon'ble Deputy Speaker : Shri Sadiq Ali Sahib.

Shri Sadiq Ali : Mr. Deputy Speaker, Sir, the discussion on the resolution, pertaining to Autonomy of the state has entered its third day, Shah Sahib and other Hon'ble Members participating in the discussion have very rightly said that the time has come when the dreams of the people of the State under the dynamic leadership of Sher-i-Kashmir 50 years back are going to be translated into practice. In paying rich tributes to our beloved leader I quote some verses:-

اُسی نے مجھ سے کہا بیعت یزید نہ کر
اُس نے مجھ سے کہا مسلک حین پر چل

اُسی نے مجھ سے کہا عاجزی سے بات نہ کر
اُسی نے مجھ سے کہا مصلحت کی چال نہ چل
اُسی نے مجھ سے کہا بخش مجھے وہ دولت صبر
کہ میرے دل میں گرہ ہے نہ ماتھے پر بل

Whenever the issue of Autonomy in the light of the 50 years of our Kashmir history will be the subject matter of discussion, mention

of Sheikh Mohammad Abdullah can not be side-lined. Being a Muslim, I was supposed to refer the sayings of Holy Quran and my Prophet (SAW) but the presence of my learned friends from Jammu in the House have left no option for me but to quote Bhagwat Geeta. The epic of Mahabharat is nearing conclusion at this stage, Arjun goes to Lord Krishna and says "Oh Lord, you have shown me the right path by saying that when the evil forces of satanic power and the forces of truth are at logger heads with each other, I must be a silent spectator and should not participate in the battle", reacting to the query of Arjun, Lord Krishna says that a ruler of the state should possess numerous qualities and his allegiance and faith should be like the Himalayan Mountains which cannot deviate an inch from its original place, he should be true to his word but the present day rulers lack these qualities. Please remember how many promises you have held with the Kashmiries but never fulfilled even a single promise. We accept the fact that the Instrument of Accession between Kashmir and Centre is the centre of attraction between the State and Union Government of India. What treatment you meted out with the Maharaja. When you detained him in Bombay, was it not the sheer breach of trust.....interruptions.....Mr. Ashok it does not behave you to say like this. After the detention of Maharaja in Bombay there was exchanged of letters and thereafter you were abdicated. The episode was followed by the incidence of 1952. The irony of the fact is that wherever the relations of the Centre and our State get overshadowed, our party has a constructive approach in the constructive fields and politics and by the grace of "Almighty" we will continue to stick to our policy. I recollect the day when Sher-i-Kashmir with tears in eyes bestowed his favorite son Dr. Farooq Abdullah with Presidentship of the National Conference and quoted Persian verse:-

“چوں پدر نہ تواند۔ پسر تمام کرو”

ate Sheikh Mohammad Abdullah was confident that his successor would leave no stone unturned in fulfilling his dreams. The day has come when the aspirations of our beloved leader are going to be translated into reality. Main purpose of our movement was to merge Kashmiri Muslims with a Hindu Dominated Country make it clear that we are Indian by compulsion. We opted to accede to India 50 years back and we still stick to our choice.....interruptions..... we firmly stood against the Qabalee aggression in 1947 and reflexes

of the period are still in our minds. The issue of Autonomy was the subject matter of discussions and some of its constitutional features were highlighted by Mr. Mohammad Shafi in a very decent manner. Shah Sahib projected its historical background. I would like to highlight the period after the post cold war era. My observations are that the political scenario of entire World has undergone various changes. Our Country has got the potential to become a Super Power of the world not to speak of becoming as regional Super Power. In 1917 when Russia came into existence, Bal Savik Party after eliminating Czar established its Government. A renowned leader of high reputation namely, Sir, W. Churchill of that era while commenting on the development stated as under “ There is a bubble of soap which burst before you notice it, it does not matter that it took the rest 70 to 74 years to burst that bubble. Russia the Super Power of one time has vanished and now its existence is in books alone”. What is the cause of its disintegration? So far, I have understood its political and economic structure did not coincide with the western system. I believe that many powers in the west have sleepless nights on India’s emergence as a Super Power. Our country has got all the para-meters such as human resources, self sufficiency in food grains and over and above the technology to become a Super Power and one who ignores these facts lives in the fools paradise. I would like to say that Western Countries are bent upon to give a set back to our Country by way of conspiracies against our country only because they do not want to see our country to emerge as a Super Power because in their opinion it is against their interests. The disintegration of Russia, Yugoslavia, czechoslovakia and disintegration of Pakistan into two parts, is an eye opener for our Country and we should stood against global war of interest particularly taking into consideration that one of the Super Power is intending to establish its supremacy, we should remain vigilant to protect the interests of our country as all the Super Powers are on one platform. They do not want to see our country prosperous. The Congress dominated the politics of India for a pretty long time but unfortunately its top-brain has been got eliminated and there seems no likelihood that my party of his caliber will emerge on the political scene of India in the future. My apprehensions are that the decisions which Congress alone could have taken are not expected from the coalition Govts. The result will be that the pace of development will get slow, I would like to mention that elimination of Gandhi family from the political scene of India.....interruptions.....please have a patience to listen. You are the people who are bent upon to disintegrate the County.....interruptions.....

Mr. Dy. Speaker: Mr. Sadiq Ali. Please continue your speech

Mr. Sadiq Ali: The majority community has been responsible to create a wedge between Hindus and Sikhs and God knows how long with situation will continue. We are least concerned if the Central Govt. initiates dialogue with Hurriyat leaders. They demand independence of the State whereas our demand is focused on the restoration of usurped rights within the framework of Indian Constitution. Now it is your sweet choice whether you give independence or restore constitutional rights of the people of the State. I would make it clear that the people belonging to National Conference are not with those who demand total independence of the State.....Interruptions.....

Our ambition is to strengthen the relations of our State with the rest of the country, and it is in this context that we have introduced this resolution. For the last 50 years we have concealed the factual position but the time has come when we must shake ourselves from the slumber. We should forget that the Kashmir issue is still alive on the agenda of U.N.O and if America desires it can have these resolutions re-opened and passed. I would like to request.....Interruptions.....

Ch. Ramzan Sahib gave a reference to Bill Clenton's statement.....Interruptions.....

My learned friends might also remember the far reaching statement.....Interruptions.....

Kashmir issue despite being on the Agenda of United Nations, the American Govt. has recommended inclusion of India in the United Nations. Therefore, we should keep it in mind in case the Western Countries including America feel that its interests are getting damaged, all of a sudden will come to the rescue of Kashmiri people without taking us into confidence.....Interruptions.....

Dy Speaker: please resume your seat and wait for your turn.

Mr. Sadiq Ali: Please conclude.

Mr. Sadiq Ali: Sir, these people have no courage to bear with the facts how, can I help it.....Interruptions.....

Mr. Deputy Speaker: Please just wait for a while.

Shri Ashok Sharma: Sir, Mr. Sadiq Ali has given a reference of the United Nations. I would like to have the information as to whether any country can deprive India from seeking permanent membership of United Nations.

Mr. Sadiq Ali: Mr. Sharma I endorse your sentiments as an Indian and a Kashmiri Muslim and I would also see my country the permanent member of the United Nations, but if it cannot happen in pursuance of my or your wishes. In case you think that you hold the supremacy to prevail upon the world opinion it reflects on your lack of understanding.

Mr. Dy. Speaker: Please conclude your speech.

Shri Sadiq Ali: Sir, lastly I would say that autonomy is the only possible solution under the changed international circumstances. I case you want to protech this country you will have to accord your approval to this demand. I would make it clear that this is the easiest method to solve this issue and in case you reject our demand God knows what kind of price you will have to pay.

Mr. Dy. Speaker: Shri Prithvi Chand.

Shri Prithvi Chand: Sir, the majority of the members from treasury benches are having a unanimous view in respect of autonomy issue. They say that since it was the main feature of their election manifesto during the last elections they are therefore committed to get it passed in the House.

Sir, since it is a burning issue it needs to be pacified and if you try to highlight this issue it will have adverse consequences on the political structure of the country. I have noticed that you try to shift the entire responsibility on the Central Govt. whether it has been headed by the Congress, Devi Gowda Ji, Gujral Sahib, Chandershaker Ji or Atal Bihari Vajpayee. You have always tried to give this impression that Centre has done justice to you. Had it, been the reality the economic position of the State would not have been so stable as it is now.....Interruptions.....

Mr. Dy. Speaker. Mr. Bhagat, please don't interfere and have your seat.....Interruptions..... Prithvi Chand Ji please continue your speech.

Mr. Prithvi Chand: - Sir, before I reassume my speech on issue of Autonomy ;.....Interruptions.....Since your party is in majority Interruptions Mr. Dy. Speaker Sir, please make them to resume their seats otherwise I will not conclude my speech. Sir, Autonomy.....Interruptions

Mr. Dy. Speaker: Mr. Jagjivan al please go to your seat and avoid coming to the well of the House.

Shri Jagjivan al :-Sir, B J P members are calling me "Jai Chand" what right , they got to call me by this name Interruptions

Note :- At this stage Mr. Jagjivan al the again proceeded towards the well to register his protest against the B JP M A's ater on he was persuaded by Sheikh Abdul Rehman to take his seat.

Mr. Dy. Speaker :- I would request all the members of the House to respect the dignity of the House and not make it a fish Market.

Note :- At this stage the members belonging to BJP had an exchange of hot words with Jagjivan al and Hon'ble Dy. Speaker repeatedly asked them to resume their in order to maintain the decorum of the House and addressing to Mr. Shiv charan Gupta the Hon'ble Dy. Speaker stated that it was really unfortunately that a senior of B J P was casting aspersions of Mr, Jagji al Interruptions.....

Dy..speaker :- Mr. Bhagat and Shafi please resume your seats so that I am able to continue the proceeding of the House.

Sheikh Abdul Rehman:- Sir, it obligatory on the Hon'ble Member of the House to be well acquainted with the rules and regulations and desist passing derogatory remarks against each other Interruptions

Dy. Speaker; Please resume your seat Prithvi Chand Ji , please continue your speech Interruptions Being the senior member of the House , I forgive Mr. Gupta, Prithvi Chand interruption please continue in was audible Interruptions....(nothing was audible in uproar) interruption.....

Sheikh Abdul Rehman :_ Mr. Dy. Speaker on a point of order.

Mr. Dy. Speaker :- what is your point or order.

Sheikh Abdul Rehman:- Sir it is obligatory on the Hon'ble Member that besides having sufficient knowledge of rules and regulations, they should also avoid passing derogatory remarks Interruptions.....

Shri Mubarak Gul : Mr. Deputy Speaker please deliver your ruling so that the proceeding of the House are continued without wasting any time.....Interruption.....

Shri Bashir Ahmed Kitchloo : Mr. Dy. Speaker sir, the member belonging to the oppositions are bent upon to interrupt the proceeding of the House I would request my party members to exercise restraint while expressing their view points Interruptions.....

Ch. Piara Singh : Sir, we have labeled him Jai Chand because he throughout his career has betrayed his colleagues

Hon'ble Speaker:- with this the house is adjourned as the time is over.

Note:- At this Stage the House adjourned to meet again on 24th of June ,2000 at 9.30 a.m.

JAMMU AND KASHMIR EGIS ATIVE ASSEM Y SERETARIAT

(OFFICIA REPORT)

Saturday, the 24th June, 2000.

The House met in the Assembly Hall, Srinagar at 9.30 a.m.

Honorable Speaker(Mr. Abdul Ahad Vakil) in the Chair.

Mr. Speaker : Sheikh Abdul Rehman.

Sheikh Abdul Rehman. Sir, the discussion on State Autonomy Committee Report presented before the House on 13th April, 1999 is going for the last 4 days and I have observed that the views expressed by all other Hon'ble member in the House are being highlighted by Dordarshan (Prasar Bharti) whereas the views expressed by the Hon'ble members belonging to BSP are not highlighted properly. I fail to understand as to why this is happening, I think this direction has been given from Delhi or from State Government I would , therefore, request your honour to direct the Dordarshan authorities to highlight the view points expressed by all the Hon'ble members, irrespective to their party affairs.

Mr. Speaker : Before I call the Hon'ble members to speak on the motion I request all the Hon'ble members to maintain decorum in the House. Yesterday in my absence some of the Hon'ble members have used unparliamentarily language against some members and wasted 25 minutes time of the House. As already requested to all the members of the House, I once again request them to maintain decorum in the House and do not try to use unparliamentarily language so that the feeling of the other Hon'ble members are not hurt . We are here to discuss and mitigate the problem beings faced by t the common masses and not to criticize each other. Secondly I do not know what has b happened with Sheikh Sahib but I requested the Director, Doordarshan to look into these complaints. Any how if any if any irregularity had been made it should be set right and equal treatment should be given to all the parties. Thank you very much.

Shri M.Y. Tarigami : Sir, first of all I may say that there is a wide spread confusion in the media about the deliberations which

have taken place about this very important issue in the House. It has been said that two resolutions are under discussion in the House. I don't know how far they are correct, wherefrom they have got this information ? we had a motion moved by Shri P. . Handoo, Hon'ble Law Minister. We have some amendments from the Hon'ble members and all these are under discussion. These are not two resolution as far as I am concerned, I know about it so I may say the media must, even the press , that it is being referred as Bill and I will request my friends in the media a difference between a Bill and a resolution, between a motion and a amendment. This is my first point. Now I will come to the next core issue. Many Hon'ble members have said that this is a historical session of the Assembly . No doubt this is a historical session but I request the Hon'ble members that there must be a degree of statesmanship. There must be a degree of responsibility, there must be a degree of maturity and mutual respect of emotions when historical matters are under discussion. I do agree that the issue has an element of emotion as well, but it has much more issues concerning the future relationship of the State with the country and in a sense it is a question of future unity of the country itself. Though it is constitutional matter now under debate but certainly I must say that much more than constitutional provisional are involved, we must understand that mere constitution does not mean constitutionalism. One famous Hon'ble judge of Supreme court has quote and not only that the constitutions determine the political will of people, a group of people living in the State and in a country. It is a question of political traditions of the people which determine the course of political directions, the constitutional directions of the country of a State. It is a denying the fact that the issue of Jammu and Kashmir State has become an internal issue these days. our country India and Pakistan both have adopted path of confrontation for the last so many years. I may say if the leaders of both these countries will not have patience and maintain brotherhood there may be situation like Hiroshima and Nagasaki. Sir, with your permission, I would like to suggest the leaders of both the countries to resolve confrontation about Kashmir issue otherwise it would not be in the national interest of India neither in the integrity of Pakistan. Instead of adopting a path of confrontation the issue should be settle through dialogue so that the people of both these countries may live in peace. A delegation from Pakistan recently visited our country and they have asked me , Tarigami Sahib, from how long the people of the J & K State would be a burden for India and Pakistan. I told them that a similar questions I would like

to ask from both the countries that for how long there would be bloodshed in the J&K State. In order to make India, Pakistan and the people of J&K State prosperous, instead of adopting a path of confrontation, the issue must be settled through dialogue keeping in view the historical facts. The grand son of the late Maharaja has said that his grand father was of the opinion that J&K State should remain an independent State. I would like to remind him that he wanted freedom only to maintain his autocracy in the State. Not only this but he wanted to deprive the farmers from proprietary rights on their land. I remember when late sheikh Mohammed Abdullah had said that the question is whether we will have accession with Pakistan or not, but there was a difference of opinion between Muslim league and our movement. The Muslim league was in favour of autocracy and our movement was totally against it. there were no personal conflicts between Jinnah Sahib and Sheikh Sahib but their opinion was different. Muslim league only talks league only talks for Muslims Interruption.....

Mr. Speaker : Tarigami Sahib I have decided to provide 15 minutes time to every Hon'ble member and minister so that all the Hon'ble members are accommodated in the debate but it is not possible to give more time to anybody (interruptions) Tarigami Sahib, try to listen me I may say if the time is allotted on the bases of the party you will get only 5 minutes (interruptions).

If I take all the members together and divide the time you will get 5 minutes time only (interruptions). You please continue till 15 minutes.

Sheikh Abdul Rehman : sir, since he represents a national recognized part, so he should be given some concession.

Mr. Speaker : I know it but even then he will not get more than 15 minutes time.

Shri M. Y. Tarigami : Sir, you are wasting my time.

Mr. Speaker : you are very intelligent. Continue your arguments.

Shri M. Y. Tarigami : Sir, I am putting forth my arguments. The question of today's discussion relates to our relationship with India union. Please do some justice to the country itself. For the last 50 years having excessive powers with Centre Governments the powers

are concentrated in the Centre Government. Tell me how that excessive powers helped us in overcoming the crisis in Jammu and Kashmir or elsewhere in the country. I have just said that it is not the question of succession. This is the question of devolution for powers in the whole of globe. This is the process which has now been initiated by very competent, very authoritative experts. Now our country forgets that Sarkaria Report is there,. Even BJP has not denied its legitimacy. Now about which the Sarkaria Commission deals. The question of more powers to the States. Now they forget. The constituents of NDA, Dr. Sahib, please listen to me and I just remind him. Dr,. Sahib you remember how o our your friends of Telugu Desam are in NDA today. You might be remembering when there series of meetings, conclaves, one of which you hosted here in Srinagar, another was hosted by Telgu Desam Chief in Hyderabad, the third one was hosted by Mr. Jyoti Basu in Calcutta. The fourth one was hosted in Delhi. Why are some of the constituents of NDA silent today. They initiated the process for more devolution of powers to the States not only to J&K but in the whole of the country . there is not only Sarkaria Commission otherwise also sir.....interruptions.....then there was a United Front Government at that time .Dr. Sahib now said that there is need of giving maximum autonomy to the states and this is a question of State-Centre relationship. We objected, CPI (M) representative object by saying that this is not justice to the issue. The relationship of J&K with Union falls in a Separate category of historical circumstance. Not Centre-State relations. Now if you bear with me. We have said that we have separate constitution. You are not fault having part away with that constitution that means there is an admission that we have something special , what is that special sir. The special is the very Constitution of India that provides through the Art. 370 you are asking us to abrogate it which we can not and because of the constitution, it says like this you have to get the sanction of Constituent Assembly of Jammu and Kashmir which is not session which has concluded its deliberations, sir my points is that not from constitutional view point but from political, view point. We have to win the battle for the people of Jammu and Kashmir , and we have to win this battle for the Unity of India. If at all somebody else has any concern for future of India, he must straightway come forward and help us in winning the will of the people of Jammu and Kashmir in implementing the promises made in the Constitution of India itself. We are not demanding anything more. Now there is a bogey in the rest of the country, as if they don't differentiate between Accession and

Autonomy. I must tell you frankly sir, today's situation in Kashmir demands one thing clearly, no status quo, Handoo Sohib, not at all, you must do justice to your armed forces, you can't put them under pressure to do what they are unable to do. You can expect from them to defend your borders. You can't expect them political issue which were in your agenda. So that is why I say, sir please do justice with your armed forces and come with the political solution. Is there any solution outside the India. Unity which, is not possible and acceptable or a solution within the framework of Indian Constitution, that is maximum autonomy. I must say, you please clarify, Sir, I do not know about which you are talking of whole agreement in the document moving around in the real of Art 370 and like so, you say in the Instrument of Accession and the Delhi Agreement is limiting us because of constitutional provision, I agree with you. I don't see any reason as already said by Shah Sahib and Rather Sahib after the arrest of Sheikh Mohammad Abdullah, the Constituent Assembly flawed. you have an entire record here sir, and even in 1954 there were two Presidential. Orders, one in 1950 and another in 1954. your report does not accept 1954 Presidential order because it envisages greater areas of encroachment, what you stated in the report sir. But Constituent Assembly of the Jammu and Kashmir was concluded in 1957. My third point is ,you demand that the Art. 370 must be a permanent word 'temporary' be deleted. Now, how will you do it. Sir, this is a constitutional point either you either you have to accept the

Constituent Assembly in totality as you can not accept it in parts. Sir, may be your report suggests that to determine the future relation of the J&K with the Union, may be the reconvening of Constituent Assembly becomes imperative that otherwise. I do not understand how you are suggesting in the motion. You are asking to the Government of India to reconsider it . Can Government of India reconsider any issue which is beyond their capacity. Now who has to decide the constitutional relationship, through Art 370 only the Constituent Assembly of J&K Government of India has no role to play. They have so far played with the constitution. They have virtual powers in applying their mind to the constitution itself but we should demand from the House that enough is enough. Now the time has come that the leadership at Centre must come forward to help us in providing greater autonomy to the State.

Thank you.

Shri Prithivi Chand : Sir, discussion on autonomy resolution is going on in the House. In this regard I may say that our relations with the central never remained better for the last so many years and this situation has further worsened due to the autonomy report presented in the House. The Government is pressing to pass the same but I would like to point out that National Conference party has enjoyed so many privileges in the name so called autonomy since 1947 to 1952. thereafter such privileges were withdrawn by the Centre as result of sacrifice of Shama Prasad Mukherji who was a great leader of Praja Parishad Party. Afterwards final accession was made between the central and the State. Now you are again asking them to restore the said position of the state. No doubt you will get more posers after getting this report passed. But it would have been much better if a resolution with regard to inclusion of POK in the State is moved in the House. By doing so, it would have become very much clear that J&K State is still integral part of India. No doubt you have got 2-3rd majority in the name of so called autonomy. Doctor Sahib says that we have got this majority with the blessing of the God. But I think, Mr. Deve Gowda also helped him in getting 2-3rd majority in the House. Even then, I think it is only the gift of the God. There is no denying the fact that Dr. Sahib is an honest and intelligent man who has a lot to eradicate corruption in the State, but I am sorry to say that being a great personality he could not control the bureaucracy. In addition to this I may say that the Hon'ble Chief Minister had made commitment in the House that 50 posts of class IV would be given to each legislator so that these posts would be filled up in their constituencies but I am sorry to say that only 2 or 4 posts were given to them. So I fail to understand as to why this discrimination is being done. The employees of the State do not get their salaries in time and keeping in view the apprehension of going thereon strike. You impose 'ESMA'.....interruptions. I think the autonomy report which is under discussion at present would be passed easily as you have 2-3rd majority in the House and with this you will have more powers and responsibilities.

However, I would like to remind you that if this report is passed then other states of the Indian Union will also demand more powers. No doubt Mr. .K. Advani, the union Home Minister has said that he is not against anybody and the autonomy report can be considered. But I do not know whether he will consider it or not. Anyway first of all we have to fight collectively against the proxy war started by

Pakistan. Being Head of the State we must co-operate with you. If you will invite us for resolving the burning problem of the State Interruptions It is an admitted fact that late Sheikh Mohammad Abdullah had made an alliance with Congress party in 1977 where under coalition Government was formed in the State which was topped by Congress itself and they deceived Sahib .similarly, the Congress party had made an alliance with Dr. Farooq Abdullah again and latter on withdrawn their support and topped that Government though congress party deceived sheikh Sahib but even then he got 2/3 majority in the House on his own. Sheikh Sahib had he got 2/3 majority in the House on his own. Sheikh Sahib had spent 24 years of his life in the jail before and after the independence and all this happened due to Congress party. Agrarian Reforms Act was passed in the State during the regime of sheikh Sahib Where under, the proprietary rights were given to the tillers , with implementation of Agrarian Reforms Act, the poor peasants have been adequately benefited in the State. Not only this but he totally refused to support muslim league of Jinnah Sahib and formed Muslim Conference in the State, which was converted into National Conference later on. Any how this allegation can be leveled against him that he never liked the Punjabi Muslims residing on other side of the country. In this connection I may say that he was very much right in this direction. For instance I am the residence of Basantgarh and I love it very much. Similarly if the people residing in Kashmir love Kashmir we should appreciate it . But whenever they have any step.....interruptions.....

Sir, do not think I am going to point to point out the mistakes committed by Dr. Farooq Abdullah I want to say that late sheikh had done a lot for the upliftment of the poor masses of the Stat and maintain unity, brotherhood and integrity of the State due to which we have been elected as members of this House. Besides, he also protected the people of the State in 1947 when the infiltration attacked the State. It is being said that Maharaja Hari Singh has committed a great mistake. But I may say that according to the circumstances interruptions.....

I would like to ask three – four things from the Hon'ble Chief Minister as Mr. Mohammad Shafi has said that.....interruption.....

Mr .Speaker : Mr. Prithvi Chand ji listen to me and continue.

Mr. Prithvi Chand :- Sir, you are a qualifying vakil and I may say that this should not have happened. Mr., Rather Sahib has said

That he agrees with the commitment of our great leader late Sheikh Mohammad Abdullah. It is true that during the regime of sheikh sahib in order to review the various laws enforced in the State a committee was constituted under the chairmanship of shri. D D Thaker and in his report Shri D D Thaker had said that all the laws applicable to the State or for the welfare of the people and there is no need to amend these laws. But it is a sad state of affairs that both Dr. Farooq Abdullah and Hondoo Sahib are not ready to accept it and talk of autonomy only. We have been requesting Dr, Farooq Abdullah for the last four years that due representation has not been given to scheduled casts/ schedule Tribes in the cabinet but no heed is paid to it. No doubt all the 8-9 members belonging to schedule cost community or in opposition even then there are some M C belonging to your party and they can be inducted in the cabinet. Now after lapse of four years one Mr., Ram Paul has been inducted in the cabinet as MOS. I think M A is more powerful than a MOS. It was a simple issue for the chief Minister if one Hon'ble member belonging to schedule community is inducted in the cabinet as a cabinet Minister. But this has not been done by him and he wants only autonomy. I may say that this situation was not during the regime of late Sheikh Mohammad Abdullah and due attention was being paid towards the issues raised by the Hon'ble members.

..... Interruptions.....

Now, I would like to ask some more questions, first of all I may say whether after restoration of 1953 position and by changing the names of chief Minister and Governor as Prime Minister and Sader – Rastri respectively, would the so called the issue of Kashmir settle led and Pakistan will amend its stand?

Secondly, more powers have already been given to our state and after passing the autonomy Report some addition powers will also be given to it and it would be very difficult for we people to lead a peaceful life in the state.

In this connection I would like to quote a verse:

ذکر ہوتا ہے جب قیامت کا
تیرے جلوؤں کی بات ہوتی ہے

I would also like to know whether there would be normalcy in the state after passing the so called Autonomy Report ?

Voices :- yes, militancy would be controlled in the State.

In addition to this, do you think that justice would be done to the people of the State after passing this report and by giving the powers vest in Supreme court and Election Commission to the State Government?

Voices: yes, justice would be done with them.

ikewise, whether the people migrated from the Kashmir Valley would be rehabilitated in their home towns .

Voices: Yes, yes.

Whether the economy of the state would be set right after getting this report passed?

Voices: Yes, this will be done.

Mr. Speaker : Mr. Prithvi Chand ji, please, resume your sent as your time is over.

Note:- At this stage the Hon'ble member resumed his seat.

Mr. Speaker: Maulana Iftikhar Hussain Ansari Sahib.

Maulana Iftikhar Hussain Ansari: Sir, the historical session of the Jammu and Kashmir egislative Assembly is going on and many Hon'ble members have participated in the debate. We are going to pass the Autonomy Report which is under discussion and I may say that after passing this report such steps be taken for the upliftment of the poor people which have not so far been taken by any Govt.and the coming generation will also say that we are proud of that Govt. which has done so after leading a miserable life during the last 50 years.

As regards Autonomy Report, I may say that many people have expressed their views in this regard in as well as out side the country. My learned friend and law experts have also given their view points in this behalf. I am not a law knowing person and know the

of "Shariat Mohammadi" only but even then due to the grace of 'Allah' I have capacity to complete with the well qualified lawyers also. Apart from laws, I would like to point out that whole nation is watching the said Autonomy Report. A day before yesterday, I read a Persian verse in the book and for the information of the leader of the House who has great responsibilities on his shoulders which I want to quote here

شب است و شراب است و چاکر تهاست
پھر خیز و بیا جانا کہ ایں شب بُد،

The Government is going to pass the Autonomy Report in the House and I think the said verse is sufficient for my law knowing friends. The Notional Conference party which is going to take some concrete step for the betterment of the people.....interruptions.....

Ch. Piara Singh : To which party do you belong ?

.....interruptions.....

Maulana Iftikhar Hussain : I will tell you later on but at present I am talking about the people of Jammu and Kashmir State.

.....interruptions.....

Mr. Speaker : Choudhary Sahib this is not a proper way to speak and all the Hon'ble members will express their views one by one interruption.....

Maulana Iftikhar Hussain Anari : Sir, you do not worry, I will reply to their question.

.....interruption.....

The National Conference party had extended its full co-operation to the leaders of India in the freedom while struggle for the country. Even Mahatma Gandhi and other leaders of different political parties including the leaders of BJP have appreciated and supported the movement started by Sheikh Sahib. These leaders assured the people of J&K State that they would extend their moral support for this

movement. First of all, this movement aimed at curbing landlordism in the state and the stand taken by Sheikh Sahib in this regard was appreciated through out the country. At that time they extended their moral support to Sheikh Sahib in such a manner as was done to get rid of British rule. In order to maintain the constitutional position of the State, we have acceded to secular India and adopted the policy of Gandh, Nehru and Gaffar Gandhi etc. I was not an eye witness to this but there may be some people. So far as my information is concerned, the then leadership had acceded to India keeping in view the fact that there is secularism and socialism in India. However, some conditions were also laid down by the said leadership at that time. History reveals that whenever there is a mis understanding between centre and the states on certain issues then crises naturally comes to the surface and some is the case with the Kashmir's. The people of Kashmir were of the opinion that due regard would be given to them and the commitments made by the central would be fulfilled but not heed was paid to it. Thereafter, our leadership expressed their grievances in this regard in the various public meeting, but in vain and then Sheikh Mohammad Abdullah was put behind the bars in Srinagar and along with many leaders at other places. This had happened due to the lack of confidence between central and the state at that time. After this,

late Sheikh Mohammad Abdullah thought that he had acceded to secular India keeping aside the religious sentiments and keeping in view the fact that our states would be prosperous but instead of fulfilling these demands, the people of Kashmir are being harassed. I don't say that they were not sincere about it but they were compelled to do so as the fundamentalists of India don't want to tolerate the people of Kashmir to come forward to compete with them. Keeping in view these things, the people of Kashmir were deprived of their basic rights. It has been observed that whenever any Muslims talks for his rights either he is called an ISI or a Pakistani agent. In this connection, I have already submitted a day before yesterday, that if these issues are to be raised by Karunanidhi, Rama Ray, Jai Prakash Narayan or Dig Vijay Singh, then no body will say that they are anti India but if Dr, Farooq Abdullah, whose father late Sheikh Mohammad Abdullah had made the accession of the State with India on secularities base, raise these issues, you will say that he is an anti Indian.....

.....interruption.....

In 1984-85 when the Government headed by Dr. Farooq Abdullah was toppled we told the people of the country that this has been done as per the direction of our leader sitting in Delhi because we have to obey their order as you are doing at present. As regards internal autonomy . I may say that we must get it . you are showing your thumb but I can show you some thing else.....interruptions.....

Despite your denial, we will get this Autonomy Report passed in the House tomorrow by the grace of God. You get contracts worth crores of rupees in the army and I think you will get the same in the future also.

.....interruptions.....

I may say that one who confess his sin is great and I have also confessed my sin and I have signed the documents as leader of the opposition party.....interruptions.....when late Sheikh Mohammad Abdullah tried to remind the Central Government that accession of the State with the Central had made on certain issues but they paid no heed to it and asked some people of Jamat-i- Islami to participate in the elections and inform the whole nation that the member of the opposition are also there and Geelani Sahib and some other persons were compelled to say that Kashmir is an integral part of India but even this issue can be settled. After the death of Sheikh Mohammad Abdullah . Dr.Farooq Abdullah was compelled to resign and his Government was topped but I don't know on what grounds it was done. However, he continued his struggle to fulfill the dream of late Sheikh Sahib.....interruptions.....I may say that the Hurriyat Conference is a creation of Central Government. It is no denying the fact that the Central Government has always exploited the people of Kashmir interruptions.....

Mr. Speaker : Ashok Sharma Ji , don't try to write anything please sit down you have no right to say anything at this stage.....

.....interruptions.....

Malvi Iftikhar Hussain Ansari : Mr. Speaker Sahib, please give me two minutes more.

Mr. Speaker : Ansari Sahib, all right you conclude within two minutes.

Molvi Iftikhar Hussain Ansari:- Now when the Central Government observed that the National Conference party still stands to its commitment and it is going to pass autonomy Report in the House, they asked Hurriat Conference to come forward to have dialogue that the commitment made by the National Conference party may not be fulfilled. In case an offer is given to Hurrait Conference to resolve the Kashmir issue, then we shall have no objection to it but I would like to know whether by doing so, the issue of Kashmir can be resolved? This is only exploitation and nothing more.....**Interruptions**.....

Mr. Speaker:- al Singh Ji, please listen to me don't talk. You are wasting time of the House and I have to given him some more time. So I may say that do not interrupt the proceedings of the House, otherwise I have to give him more time.

Molvi Iftikhar Hussain Ansari:- May I know under whose direction, the Hurriat Conference accepted to have a dialogue with the central Government. I fail to understand as to how the Government of India has authorized the Hurriat Conference to come forward for resolving Kashmir issue. I think instead of resolving the issue, the Government of India wanted to make it more complicated. If it is so, then they should keep it in mind that other parties can also do a lot in this regard and the issue will become more complicated. It has been said here that discrimination is being made with the people of Jammu during the regime of National Conference and I think this is not a fact, Gupta Ji being a senior leader, you must have patience. You are aware of the incidents of 1947. I don't know whether you have also participated in these incidents or not. I mean to say that you represent a small district.....**Interruptions**.....

Mr. Speaker:- Ansari Sahib you please resume your seat and now Mr. Sat Paul will speak.

Molvi Iftikhar Hussain Ansari:- Mr. Speaker please give me two minutes time otherwise it will mar the very purpose of my speech.

Mr. Speaker:- Ansari Sahib instead of 15 minutes I have given you 20 minutes and I don't know what are you going to say within two minutes.

Molvi Iftikhar Hussain Ansari:- Sir, one of my friends have said due to migration from Kashmir, the geographical and demographic position of Jammu is being changed but I may say that there is no reality in it. I would like to remind that about 2 ½ lakh non-Muslims from outside the State have settled in Jammu and no problem is created for the people of Jammu otherwise if I purchase some land in Jammu, they say that the geographical position of Jammu is being changed and the people are facing great hardships. I mean to say if somebody belonging to Jammu, come to purchase land here, it is his headache and I have nothing to do in it. However, I would like to remind the Hon'ble member that the persons who provoke you to raise such issue in the House, have already purchased land in the name of other persons. These IAS Officers are non-state subjects. I can tell you the names of these IAS Officers who have purchased land in Jammu but even then you are saying that you will not be allowed to purchase land there. I assure the House that we don't want separation from India but I think that by doing these things you will not allow us to come closer to India. I would like to point out that Union Home Minister Sh. .K. Advani and other great personalities visited Kashmir when some persons belonging to Sikh Community were killed to express their grief and sorrow with the bereaved families. But I am sorry to say that not even a single person from the union Government visited Pattan where 11 persons belonging to Muslim Community were killed to express their condolences with the bereaved families. I say that we are going to pass the autonomy report presented by Hon'ble Law Minister and I think that this resolution will be passed with majority of votes.

-----Cheers-----

Mr. Speaker:- Please, sit down. One of the relatives of Sh. Sat Paul Ji has expired in Jammu.....**Interruptions.....**Khajuria Sahib don't interrupt and waste the time of the House. Ch. Shaib and Khajuria Sahib please allow other Hon'ble Members to speak also.

Molvi Iftikhar Ansari:- ala Ji, you don't allow any Muslim to settle in Udhampur**Interruptions.....**

Shri. Shiv Charan Gupta:- In case it is proved that any Muslim is being harassed in Udhampur, I will resign from my party. All the Muslim there are living peacefully.

.....**Interruptions.....**

Mr. Speaker:- Shri Sat Paul Ji.

Shri Sat Paul:- Sir, through your goodself, I would like to say that a historical Session of the Assembly is going on and the commitment made by late Sher-I-Kashmir Mohammad Abdullah is going to be fulfilled by his son Dr Farooq Abdullah the leader of National Conference. I am residing in a town where there is a tradition that the commitments made by the father are to be fulfilled by his son or by his grandson. Same is the case here. The Hon'ble Prime Minister Pt. Jawahar lal Nehru had made a commitment with Sheikh Sahib in 1952 that justice would be done with the people of Jammu and Kashmir State. Thereafter, the other Prime Ministers like S/Shri V.P.Singh, Inder Kumar Gujral, Narsimha Rao and Deve Gowda had also announced in and outside the Parliament that in order to resolve Kashmir issue, autonomy should be given to the people of the State so that there can be normalcy. After the agreements of 1952 Sher-I-Kashmir Sheikh Mohammad Abdullah made some amendments in the fundamental rights granted by Indian Constitution and passed Agrarian Reforms Act in the State under which proprietary rights were given to the tillers. This was a historical event and proprietary rights were given to the tillers. This was a historical event and proprietary rights were given to the tillers without any compensation. A day before yesterday, my friend Mr. Haresh Dev Singh had said that after passing this autonomy report, some amendments can be made in the Indian Constitution but there is nothing in the report whereunder the Assembly can do so. My friend belonging to BSP had said that neither they support nor they oppose this autonomy report. They have neither supported nor opposed it. Sir, I appeal to the members belonging to Congress party that in order to fulfill commitments made by our Prime Minister, they should not oppose the resolution. We must not hesitate even to sacrifice our lives

.....interruptions.....

I once again, request to my friends belonging to BSP that we are living in a democratic Country and I have also been elected as M A under this set-up. The people have elected me as a member of this House

.....Interruptions.....

in addition to this, I also appeal to the Hon'ble Members belonging to BJP that they should also try fulfill the commitments made by Shri Shama Prashad Mukherjee with Sheikh Sahib in 1952 to restore autonomy in the State as they are going to celebrate his anniversary on Monday. I may say that the better way to pay homage to him is to act according to his principles

.....Interruptions.....

it is being said in the House that the people of Jammu have opposed the resolution moved

by Hon'ble Law Minister in the House whereunder autonomy is to be given to the State. But I would like to make it clear that Jammu does not mean Jammu city only but there are 13 Assembly Constituencies in the Jammu District alone. Not only this, but there are 37 Assembly Constituencies in Jammu province. My submission in this regard is that a class of Kanak Mandi and businessmen are not only the citizens of Jammu alone, but the poor farmers and labourers residing in rural areas are also the citizens of Jammu province. They are of the opinion that after getting more powers, they may be able to take some decision on their own. Jai. Hind.

Shri Qamer Ali Akhoon:- Mr. Speaker, sir, a historical document is under discussion in the House and many Hon'ble Members have expressed their view in this regard. I think the present debate is of a great importance keeping in view the prevailing situation in the State. Mr. Bali Bhagat, a member belonging to BJP has misled the House with regard to the voters of Leh and Kargil Districts and being a representative of the area it is my responsibility to make the position clear in this regard. For the information of the House I may say that the total number of voters in Leh, Nobra, Kargil and Zaskar are 60139, 10366, 53638 and 19349 respectively but the total number of voter as mentioned by Shri Bali Bhagat are not based on facts.....**Interruptions.....**

Shri Bali Bhagat:- Sir on point of order.

Mr. Speaker:- Please sit down. In order to raise a point of order, you should study the rules first.

.....**Interruptions.....**

Mr. Wamar Ali Akhoon:- Sir, we have contested so many elections there. We have also our representatives in Leh and Kargil and we know better than others about the number of voters.....**Interruptions.....** I have already said I am not law knowing and if I will say something wrong then please let me know..... My friend, Mr. Dorjay Sahib who has said that Sheikh Mohammad Abdullah was not our leader, is not present in the House now and for his information I would like to remind him that at the time of constitution of Constituent Assembly when Sher-I Kashmir was the Prime Minister of J&K, Kaushak Bokala was the member of Constituent Assembly as well as the President of National Conference party in Ladakh. Likewise, Aga Mehdi Sahib belonging to Kargil was Vice

President as well as member of Constituent Assembly. Both these persons have fully endorsed the pre-1953 position of the State in Delhi Agreement and signed the said Agreement too. It is not denying the fact that late Sheikh Mohammad Abdullah was not only great leader of India but also at international level. Anyhow, if some body may say that he was not our leader that hardly matters and it makes no difference to us. Today we say that people have elected us as a member of this House and we represent them I may say that the Congress Party remained in power for the last so many years at the Centre and it has been observed that they used to talk of communalism and regionalism during their regime and won the elections. Now, the people of State particularly the people of Jammu and Kashmir are aware of the fact that how these leaders misled and exploited them during the elections. The people elected our candidates twice during Parliament elections on the issue of autonomy. The people belonging to the Congress party campaigned from door to door and told the people not to vote and support National Conference party as they are going to pass the autonomy report after the election but even then our candidates won. Not only this, but at present there are two MLAs with our party whereas there was only one Kaushak Bokala at that time. Koushal Tumlak Nirmicha elected as member of Rajya Sabha belongs to our party and he was also a member of Autonomy Committee, then how can you say that the people of Jammu and Kashmir have opposed the autonomy report. In short I may say that all our candidates whether they are Hindus or Muslims have been elected as Member only. So, I think it is not proper to say that the people of Jammu and Kashmir are against the autonomy.

.....Voices.....

if they are not against it, then why there is strike in Jammu and Kashmir.

Shri Qamer Ali Akhoun:- Please, listen to me. The media persons are also present here and for their information, I may say that the Hartal is only in Jammu District and not in Kashmir Region but media says that there is Hartal in Kashmir Region. The call for Hartal has been given by some people having vested interests in order to create disturbances there. These elements have always tried their best to disturb the peaceful atmosphere of the region. Sometimes, they have raised slogan to join with Himachal or U.P. or demand Union Territory status. However, I would like to make it clear that we do not want to have our relations with Himachal, U.P or Nepal. We are the citizens of J&K State and want to strengthen in future. A major portion of our State has illegally

been occupied by Pak and China and I do not know why they are bent upon dividing the State further. But I assure the House that National Conference Party will never allow it. The people of India and Pakistan have now realized that the idea of two nation theory was not correct. A day before yesterday Mr. Altaf has in a statement from London in this regard accepted that the idea of two nation theory was absolutely wrong. Before independence, there were different rules in various States and when India became free from British rule, the independent states and rulers were given option to accede to either of the two dominions. All these states and rulers decided to accede to with India unconditionally while as the Maharaja of our State acceded on certain condition under which defence remained with India. In the prevailing situation in the Valley, it is very much clear as to what extent we have succeeded in this regard. During Kargil conflict, false information was floated and I do not want to go into details at this stage but I may say that the people of the State are aware of it that now the militants across the border are bent upon to disturb the peaceful atmosphere of the State. I would also like to inform you that who is responsible for it. When we have made our accession with India, it is the responsibility of the Central Government to set right the law and order situation on the borders of State so that the people may live in peace and brotherhood here. It is being said that the State Government who is responsible for it. As regards roads and communications, my submission is that nothing has so far been done in this regard and most of our roads are in a dilapidated condition. In this connection, I would like to quote the example of Jammu Srinagar National Highway, which is in a dilapidated condition for the last so many years and no improvement has been made to this highway. It is the responsibility of the Central Government to maintain and execute necessary repairs to these roads under the Delhi Agreement of 1952. We are not demanding anything new but want to restore the position of 1953 in the State and I think nothing will happen if the said position of is restored to the State. Under Article 370 of the Indian Constitution, we have every right to demand it, sir, we have acceded to India on certain conditions and we are want to maintain the integrity of the country at any cost but they should also fulfill the commitment made by them. This commitment was made by the late Pt. Jawahar Lal Nehru and it should be accepted by all of us. Everybody is aware of the fact that after Delhi Agreement, late Sheikh Mohammad Abdullah was put behind the bars as a result of which the issue could not be settle till date. The congress party which remained in power for a pretty long time, has always conspired to defame

the N.C. Party . they never allowed any secular party to rule the State. I may say that even now they are trying to create problems in the State be saying that the people of adakh, Kargil and Jammu are not supporting the autonomy.

Mr. Speaker:- Thank you. Your time is over now. Please sit down.

Mr. Qamer Ali Akhoon:- Sir, I request all the Hon'ble Members of the House to extend their full co-operation in order to get the autonomy report passed so that 1953 position of the State is restored. Thank you very much.

Shri Mohammad Sharief Rariq:- Mr. Speaker, sir, the autonomy report is under discussion in the House for the last three-four days. First of all, I would like to quote verse in connection with the historical events on which Shah Sahib has thrown light in the House.

اس صدی پر تیرے چہرے پر تبسم کی لکیر
اوہنے والے تیرا پھتر کا کلیجہ ہوگا

At the time of division of the country the slogan of secularism was being raised in the State under the leadership of Sheikh Mohammad Abdullah. Now we are going to discuss a resolution moved in the House for restoration of 1953 in the State. In this connection, my submission is that soon after making agreement with India, our great leader Sher-I-Kashmir extended full support to Mahatma Gandhi and other leader of the country who were struggling for the independence of the country. Our leader was arrested on 9th of August, 1953 and sent to the Jail. The people expressed their sentiments in this regard with the result 1500 persons were upon at Lal Chowk and we can not deny this historical fact. Since then a wave of atrocity was let loose on Kashmiri people and the Pakistan who was already looking for an opportunity succeeded in creating disturbance in the State. Not only this, I may say that Mahatma Gandhi was the first target of terrorism. I would like to ask the press media to let me know how you can say that there is no secularism in the State. When a Muslim majority state acceded to India it becomes a minority in the Country and it is the responsibility of the Government to give due protection to them instead of harassing them. I may say that the Centre Government has proved has totally failure in this direction. Even how bloodshed is taking place in the State and the people are being killed ruthlessly. The leader of the House Dr. Farooq Abdullah

is a true nationalist who has decided to restore 1953 position to the State so that the issue of Kashmir is settled. Keeping in view this thing, the autonomy report has been presented in the House which is presently under discussion. My submission is that if the Kashmir issue can be resolved by giving autonomy to the people of Jammu and Kashmir and it should not be taken otherwise. Our party has accepted the accession of our State with Indian Union but the parties which are going to have dialogue have never accepted it. I may say that only by virtue of Article, the outsiders were not allowed to enter akhanpur and it was done under an agreement. Similarly, if you will forget the commitments made by our great leader in the State. Yesterday one of my friends had said that about two and half "Maunds of Janou" were snatched from Hindus and they were compelled to convert their religion but I may say that this is absolutely wrong, if this has been done, then whole Hindus would have been converted into Muslim faith within three days only. However, it was a movement started by mughals to keep India united. Since our leadership have made an agreement with India under certain conditions so the commitments made at that time should be fulfilled but nothing has so far been done in this regard with the result there are disturbances and bloodshed in the State. I would, therefore, request that the autonomy report should be accepted under the leadership of Dr. Farooq Abdullah so that the law and order is maintained in the State. This issue pertains to whole State of J&K. I have been elected from Jammu province by securing 70 percent votes in my constituency where the number of Hindu voters is 22 thousand so this resolution should be passed to restore the 1953 position in the State. In case this is not done, the situation would be quite different in the State as was said by Dr. Allama Iqbal during independence movement:

نہ سمجھو گے تو مٹ جاؤ گے اے ہندوستان والو
تمہوری داستان تک نہ ہوگی داستانوں میں

My submission is that even now there is bloodshed in Rajouri, Poonch, Doad and Kashmir. The people are being killed ruthlessly there. After all, they are our brothers, sons, and friends. I mean to say that such a situation has arisen in the State where thousands of people have laid down their precious lives. Being a citizen of India, keeping in view the prevailing situation in the State, I appeal all the members of Congress and BJP belonging to Jammu province that in order to maintain the

integrity of the country, they should co-operate with the leader of the House, Dr. Farooq Abdullah and forget the differences so that the position of the State is restored. I oppose militancy as nothing can be achieved in this way. I would, therefore, request all the Hon'ble Members to support the resolution, keeping in view the law and order situation in the State. I have to say something more but now my time is over as directed by the Hon'ble Speaker. Anyhow, I once again, request the Hon'ble Members to support the resolution.....**Interruptions.....** Khajuria Sahib for your information I may say that we have given more scarifies than you for India and we are fighting on the borders for the last 50 years. I would like to quote a verse and thereafter conclude my speech:-

کچھ بات ہے کہ ہسنی مٹی نہیں ہماری
صدیوں رہا ہے دشمن دورِ زماں ہمارا
یونان، مصر و روم سب مٹ گئے جہاں سے
اب تک مگر ہے باقی نام و نشان ہمارا

Shri Khalid Naji Suharwardy:- Mr. Speaker Sahib, first of all, I would like to quote a verse which is as under:-

دل تو پاگل ہے اس سے والبتہ ہے۔ جو کہ اور کا ہونے نہ دے اور نہ اپنا کرے

Sir, the autonomy report is under discussion in the House for the last so many day and many Hon'ble Members have participated in the debate and being a part and parcel of the House. I have also been given an opportunity to participate in the debate. While speaking on the issue, I may say that every body is aware of the situation prevailing in the State for the last 10 years. The people have suffered a lot during the said period and we don't know for how long we have to suffer in the name of issue "Known as Kashmir Issue". This issue pertains to our State, India and Pakistan. The issue of Kashmir can be settled once for all if the demands of the people are fulfilled honestly and thereafter this issue will not be raised anywhere in the world. Sir, Kashmir has all along been looted by the different rulers for instance it was looted by Mughals, Afghanies, Sikhs and Dogras in 1586, 1752, 1819 and 1846 respectively. In order to resolve the Kashmir issue many proposals are under consideration at National and International level but the National Conference have presented best proposal in the House to resolve this issue. They are of the opinion that the gun is not the solution of the

problem . keeping in view these things our party have moved a resolution in the House so that 1953 position of the State is restored. We have seen that thousand of Kashmiris have been killed, most of our mothers and sisters have been raped, most of them have become widows and their children have also been killed. A number of schools buildings were set ablaze during the past 10 years but nothing have so far been done in this regard. I would, therefore, like to suggest that in order to stop the bloodshed and resolve Kashmir issue both India and Pakistan should have friendly relations. Do not think that you are dealing with a part of U.P, Bihar or Gijarat but you are dealing with the State which has its historical and geographical background. Since our State has it own importance, the people have been exploited for the last 50 years. I may say that it is only the National Conference which set right these things. It has been said here that history cannot be reversed. No doubt, it is not possible but if the commitments made in the past are not fulfilled then this can happen. About 42 Articles of the Indian Constitution have so far been enforced in the State. My submission is that the 1953 position of the State be restored after passing the autonomy report. Since we have our won Constitution and after restoration of the said position we will get more constitutional powers. However, instead of giving autonomy you are going to divide the State but I can say with confidence that the peace cannot be restored in the State by doing so. However, the peaceful atmosphere can be maintained only by unity. You have seen that even after partition of the Country in 1947, the problems of the people could not be solved. It has been proved that Pakistan was not created by Jinnah Sahib but it came into existence as a result of rigid attitude adopted by Pt. Jawahar al Nehru. You do not take this issue seriously as there is bloodshed throughout the State. It is being said here that the people of Jammu region oppose the autonomy report but I may say that it is not based on facts. I belong to Jammu region and 15 M A's of our party have been elected there whereas out of 4 seats in adakh our party have got 3 seats but even then they say that the people of Jammu and adakh are not in favour autonomy. I would like to point our that they consider themselves as patriots whereas we are called anti-nationalist or ISI agents. ala Ji knows better then us that who is ISI agent and for the information of the House I would like to quote a verse:-

اے موج حوادث ان پر بھی دوچار تھپڑ ہلکے سے
جولوگ ابھی تک ساحل سے طوفاں کا نظارہ کرتے ہیں

They are talking of patriotism and integration of the country but history reveals that they have taken all this from we people**Interruptions**..... Mr. Sharma Parashad Musherji who was the founder of their party has also signed when the accession of the State was made with India under Article 370 of the Indian Constitution. You are going to solemnize the death anniversary of your leader on Monday and best way to pay homage to him is to act on his principles as he was also a member of Constituent Assembly. It is being said that Sharma Prashad Mukherji was the founder of the party therefore, you should follow him otherwise you cannot say that he was our founding father. As regards my friends of Congress Party, I may say that no body is aware of their policies. I would like to quote a versa in this connection:-

خوب پردہ ہے کہ چلمن سے لگے بیٹھے ہیں
صاف چھپتے بھی نہیں سامنے آتے بھی نہیں

My submission is that even today the Kashmiris are being killed due to this flag. When you had to hoist this flag in al Chowk there were 15 thousand security personnels for the protection of 15-perions. However, we have hoisted the flag at every tehsil headquarter and even during prevailing situation also I would like to remind Dr. Sahib that for the last 50 years we have seen that India and Pakistan extend their co-operation with each other to defame the National Conference Party only.

Mr. Speaker:- You please sit down now.

Mr. Khalid Najib Suherwardy:- I may say that the National Conference had made the accession of the State with India and it still stands by this commitment but the accession was made under certain conditions. So we want autonomy in the State, we are Indian and will remain Indian with dignity and honor. The National Conference have given so many sacrifices for maintaining the integrity of the country. In this connection, I would like to quote the following verses:-

جب بھی گلشن کو ضرورت پڑی سب سے پہلے ہماری گردن کڑی
اب یہ کہتے ہیں اہل چمن یہ چمن ہمارا ہے تمہارا نہیں
مہلت ملتی ہے مہلت آخر یہ مہلت آخر کہیں رانگاں نہ جائے

Mr. Speaker:- Sh. Faqir Mohammad Khan.

Mr. Fariq Mohammad Khan:- Mr. Speaker sir, the resolution moved by the Hon'ble Law Minister regarding State autonomy is under discussion in the House and the Hon'ble Members belongs to ruling party have expressed their views and thrown light on the subject in detail. Before speaking something on the issue. I would like to inform the opposition members sitting in the House that the prevailing situation in Kashmir is due to the policies of the Central Govt. towards Kashmiri people. They have paid no heed towards the difficulties being faced by the common masses here. Last year when I was having a Chat with one of the leaders of BJP in Delhi and he asked me as to why Dr. Farooq Abdullah wanted to reverse the history. I humbly requested him that no doubt it is not possible but it can be possible if the commitments made by the people are not fulfilled. Thereafter, he asked the name of my constituency which falls in border area. In addition, he asked that being resident of border area you might be knowing better that people across the border there but I told them that this is not possible as the army deployed there is more than the population of the area. It has been observed that while speaking on autonomy report the Hon'ble members have raised many points concern the matter of national integrity but I may say that nothing has been said about the killing of the innocent people of Kashmir. They have also made a mention of pahari people. I belong to Shia community and I would like to inform the House that in 1948 the people of Shia community have decided to support Sheri Kashmir Sheikh Mohammad Abdullah. When acceded to India on certain conditions whereunder the Defence, Communication and Foreign Affairs remained with India whereas rest of the powers were given to the state. I have time and again requested Vajpayee Sahib through Press to pay attention towards northern areas particularly the Kho-Korkoram (a part of Gilgit) as about 15 lakh Shias are residing there. Being a Shia, it may be moral duty to point out the hardships being faced by the people. But I am sorry to point out that no attention so far has been paid towards it by the Foreign Affairs Ministry. We have seen that the Central Government have not so far constructed any alternative road so that we may not face any hardship during blockade of national highway or any damage caused to tunnel. This is the only road for India but no attention is paid to it. If it remained closed for a period of six months. If this road is connected with Drass then I may say that it would be a best road from Kashmir to India because there is every apprehension of collapsing the National Highway and Jawahar Tunnel. I would, therefore, request the Central Govt. to restore autonomy in the State keeping in view the prevailing situation so that the grievances of the people are redressed. Although you are inviting Hurriyat Conference to have a dialogue but I may say that they can't protest the State. Thank you.

Mr. Speaker: Shri Prem Lal ji you have been allotted 10 minutes.

Shri Prem al: Sir,. The autonomy report is under discussion in the House for the last 4 days and I am very thankful to your honour for providing me an opportunity to express my views on the issue. It would have been much better if the problems being faced by the people in the prevailing situation are highlighted during this special session of the Assembly, but instead you are going to divide the State into three parts.

The people of Jammu and adakh have staged dharnas on every tehsil headquarter and blocked roads.....interruptions.....

Don't worry I will tell you also interrutions some of my friends have said that they have been voted on the issue of State Autonomy. I would like to know from them if it is so then why the people of the Kashmir are not in favour of autonomy, not even a single person of the city has said that we want autonomy. But all the shops and other business institutions have been closed and nobody is demanding autonomy. However, you are demanding that protection should be given to the people.....interrutions..... So my submission is that instead of raising the issue of autonomy we should try to redress the grievances of the people so that justice is done with them. The 15% D.A. of the employees has not been given to them for the last two months due to which they are facing difficulties in making their both ends meet and you should have taken some decision in this regard so that justice is done with them. I have time and again raised the issue regarding betterment of the people residing in border areas. The Hon'ble Chief Minister has been making commitments in the House for the last 3 years in this regard but nothing has so far been done in this direction. We hope that if something is said in the House, it should be given a practical shape. Hon'ble Chief Minister has assured that it will be done during the current session but even after a lapse of four years nothing has been done. Sir, regarding resolution under discussion I would like to submit that there is a demand for autonomy and restoration of pre-1953 position. But the reservation for scheduled castes came into force in the year 1954 when the Constitution was enacted. In a recent Cabinet meeting held some 3-4 days back some people raised objections on granting promotions the scheduled caste employees and they pleaded for doing away with such a practice which I think is very strange. On one side you are advocating for autonomy.....interrutions.....I feel that by doing so you are not pressing for autonomy but creating an atmosphere for an agitation and also encouraging people for this. Besides this, another issue of sacking 450 persons hailing from Jammu Region in Education Department has been created by the Government.....

interruptions.....I would suggest that it requires a thorough discussion and a commission be constituted to investigate the matter interruptions When you talk of autonomy you should give equal share to all the three regions. About one lakh and twenty thousands persons have been recruited in the Government services by the present Government I would like to demand that commission be constituted to ascertain the share given to the Kashmir, Jammu and adakh Regions in these recruitments. Have the people of Jammu been provided due share in this? So far as my counter part of BSP or concerned, they have repeatedly grilled BJP but I want to inform them that they had raised a slogan during election that ;

”برہمن، بنیاں رین فی دینا
جٹ نو، کھیت وچ پین ری دینا

I want to inform them that they should undersigned that it is only BJP who has contributed a lot to give you the chair of the Chief Minister

.....Interruptions.....

Hon’ble Speaker:- If anybody gives false information then you all know that there are rules to take action against him and I will take action according to rules.

Shri Prem al:- Sir, we do not agree with the points raised during the debate. But keeping in view the seriousness of present situation, we should take some concrete steps for the people who are hit due to militancy or due to Pak firing. We should explore the ways and means to eradicate the militancy and holding of talks with Pakistan. People living near border have migrated from their home and we should ensure their safety and they should be provided ration as well as tents. Due to continued firing from Pakistan the people of border areas are not able to cultivate their land. So they should be provided relief and free rations. These burning issues should have been raised in the House but instead you are discussing autonomy.

Hon’ble Speaker:- Prem al Ji, please listen. You are raising such issues which are pertaining to your Constituency. You may be justified in raising the same but this is a special session to discuss a special report. You should justify the subject and concentrate maximum on the report under discussion.

Shri Prem al:- Sir, we want that it should also be clubbed with the report so that the sufferings of the people may be redressed. So far as autonomy is concerned.....**Interruptions.....**

Hon'ble Speaker: Prem Lal Ji Mr. Shafi wants to adopt you. Are you willing for it.

Shri Prem Lal: Shafi Sahab is one of us and his vote is in our favour. Sir, instead of autonomy, we want constitution of Regional Councils for all the three regions to provide equal justice to the people and we will work for it so I am against this report. Thank you.

Mian Altaf Ahmed (Hon'ble Health Minister): Sir, the subject which is under discussion in the House and on this issue we contested elections in 1996. Sir, it is clear that we are not demanding anything we are of the opinion that Maharaja acceded to India under compulsion. His grandson has himself confessed in this House that Maharaja was in favour of independence of Kashmir. But due to Pak aggression he acceded to India under an impression that India being a democratic country and sincere elderly brother will provide due respect to the people of State. But the terms and conditions on which accession had taken place were violated by that very elder brother and the basic ideology of accession received a setback. We therefore, only demand that these things be restored. We don't want to create any problem for such a vast country.

The contribution made by Dr. Farooq Abdullah for the integrity of the nation whether inside or outside this House, within country including the forums of Delhi or in the United Nations are unparalleled and no other Kashmiri leader has done this up till now. I want to inform the House that the way in which Dr. Farooq Abdullah advocated the stand has not been accepted by Shri Atal Behari Vajpayee, late Shri Rajiv Gandhi or any other leader. If anybody have any doubt on his integrity then it is very unfortunate..... interruptions..... Sir, when we acceded to India under compulsions a few people got undue benefit of it. In this connection I would quote a verse:

دیوار کیا گری میرے کچے مکان کی
لوگوں نے میرے صحن میں راستے بنائے

Nobody should be allowed to derive undue benefits from our compulsions. We only want that if some conspiracy was hatched from Kashmir or for Indian Government or if any mistake has been committed by the great leader of that time Pt. Jawahar Lal Nehru. We expect not only from the people of the country and the present Government to set it right. I fail to understand why the discussion going on in this House is being diverted from the core issue. Had this criticism been made by Indian Government intellectuals of Indian Press in the year 1996 when we contested elections by raising such slogans

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then Dr. Farooq Abdullah would not have participated in the elections. As some Hon'ble members have already said that we were assured at that time to have discussion on this issue after winning the elections. But now they are reluctant to discuss it Sir, I have seen a few reports appearing in the news papers during last two days in which it has been stated that Dr. Farooq Abdullah had left the State in the year, 1990 and after that he did not return. In this context I want to remind you that during the period of seven years from 1990-97 no Indian Prime Minister dared to visit Kashmir and it was only after taking over the Government by Dr. Farooq Abdullah the Indian Prime Minister started their visits in Kashmir. Even then they are blaming us. I want to remind all those who criticize us that when late Rajiv Gandhi came here and stayed in Centaur Hotel the watches were set according to Pakistan Standard Time and he was informed about it by the people who served tea to him. Everybody knows about it. It is known to everyone as to how he reached from Airport to Centaur Hotel in a motorcade. They cannot conceal the facts by blaming or criticizing us. Today when entire State of J&K is burning and facing many challenges, only our party leader is ruling in such a critical condition everybody in the whole of the country is well aware about it. Whole world knows that no other person is prepared to rule the State in the present situation. The need of the hour is that full support should be given to such a person like Dr. Farooq Abdullah who says that he has full faith in the integrity and secularism of India. At present Shri Atal Behari Vajpayee is ruling the country. He is the leader of great personality he has seen so many ups and downs during the last fifty years in politics. I don't think he would make any attempt to dislodge Dr. Farooq or National Conference in any way. If at all Dr. Farooq Abdullah or National Conference received any setback then in that case relations with Indian union will be affected badly. We expect that the present Indian Government would think about it. We want to know from the present central Government that if they have talks with people responsible for bloodshed and destruction in the State and who still believe in the gun culture in the various issues like trifurcation, handing over of power of autonomy. When they are ignoring us why they have recognized our Government as a representatives of people in the year, 1996. The elections were conducted during Governor Rule so nobody can challenge it. One of the Hon'ble Member had just pointed out that we have secured only 5% votes. Sir, I want to ask the member who belongs to Congress Party whether his party has taken any lead in his constituency, Kalakote during last two Parliamentary elections? To him my summation is that he must know the factual position before blaming others. You had pinned your hopes in Gujjar community, but they are now vigorously opposing Congress Party. When I was in Congress there was a demand that Gujjars should be given the status of Scheduled Tribe on the pattern of adakhis, but you did not accept your demand? Nobody accepted it..... interruptions.....

Hon'ble Speaker: Very good, Congress has given so many things to Kashmir. You please resume your seat.

Mian Altaf Ahmed (Hon'ble Health Minister): Mr. Sharma, please listen to me. Why are you denying the facts ? Congress say that they can't tolerate to work under the President ship of Gujjar. I want to inform them that Pandit Jawahar al Nehru had deputed Sher-i-Kashmir Sheikh Mohammad Abdullah to Pakistan for a dialogue recognizing his tall personality and importance of his party, National Conference. This is a historical fact but after that Pandit Nehru expired, which was very unfortunate. Had that not happened, then it would have been possible for Sheikh Sahib to implement his programme and the present scenario of the State would have been different. I also want to inform you that elections of 1996 have proved that Dr. Farooq Abdullah enjoys representation of all the three regions of the State and he has done such a tremendous job which was not done even by his father. For the first time we won 17 seats in Jammu and National Conference stood at number second during both the elections of Parliament..... Interruptions..... People voted for not any concentration during 1996 polls, but they trusted us on a single point which was fulfilling of the commitments we had made with the people. Some commitment was made by N. C Govt. during the elections of 1983 and 1987. This commitment was based on the terms which were signed in the shape of an agreement in the year 1947..... Interruptions..... In this regard I would recite a couplet:-

جھک کر سلام کرنے میں کیا حرج ہے مگر
سرا تانا نہ جھکاؤ کہ دستار گر بڑے

I want to inform this House that all the Kashmiris, Dogras and adakhies belonging to all the three regions of this State are firmly behind Dr. Farooq Abdullah and his National Conference; this thing should be kept in mind by all. I would like to inform any elder colleagues belonging to BJP that they always talk of our community, but how much well wishers they are in really? Interruptions

et me speak. Recently you said in this House that what are the sources of income of Gujjar Community that they are constructing houses in Jammu and they are being settled near border, , which is a conspiracy. All these remarks..... Interruptions..... Gupta Sahib I have great regard for you. Please listen to me. Sir, I will only speak on the facts which are on record of the House and nothing irrelevant with these words I support the resolution. Thanks.

Hon'ble Speaker: Shri Mushtaq Ahmad one.

Shri Mushtaq Ahmad one (MoS Home): Sir, before, starting my speech, I would like to recite a couplet:-

ہم ہی سے رنگ گلستان ہم ہی سے فصل بہار
ہم ہی کو نظر گلستان پر اختیار نہیں ہے

Sir, if we go through the history, the partition of our country took place on the basis of two nation-theory in the year 1947 and at that time our State was ruled by Maharaja. It was very unfortunate that tribesmen attacked on our State and Maharaja was forced to sign the Installment of Accession with India. Had our State not been attacked by tribesmen, then the situation of this State would have been quite different and the destiny played its part. This was historical mistake for which we are still suffering and facing bloodshed. Our generation suffered heavy loss during the past 10 years. I will quote a couplet in this behalf:-

وہ وقت بھی دیکھا ہے تاریخ کی گھڑیوں نے
لمحوں نے خطا کی صدیوں نے سزا پائی

Sir, the accord of accession known as Instrument of Accession was based on 3 subjects i.e Defense, Foreign Affairs and Communication. Under this accord, we acceded to Indian dominion. An important discussion is going on in this House for the last few days. I do not want to go into details. Briefly I would submit that our relations with the Centre were very cordial after signing of Installment of Accession in 1947 and subsequently up to Delhi Agreement. But after 1952, our great leader on whom we had full faith started violations of agreement and our beloved leader Sher-e-Kashmir Sheikh Mohammad Abdullah was imprisoned in 1953. Thereafter conspiracies were started against our State after that under an order of 1954 the Central laws were enforced in the State with the result erosion started in our internal autonomy and relation with the Centre subsequently dozens of amendments in the Constitution also affected our internal autonomy. If we analyze the later development then we cannot remain in saying:-

گلوں کے رنگ و بونے اس قدر دھوکہ دیا ہم کو
کہ ذوق گل بوسی میں ہم نے کانٹوں پر زبان لکھدی

Sir, so far as the legal aspects are concerned, Rather Sahib and Shah Sahib have already dealt with it in detail so I don't want to repeat the same. But a few points have been raised by the members of opposition. I would try to clarify them. Sir, during the speech of Mr. Mohammad Shafi, Shiv Charan Ji interrupted and said that Art. 370 is a bridge between Kashmir and India and if you consider it is a temporary provision then you are strengthening those forces who say that our accession with India is temporary. If you have faith in Supreme Court of India then you should keep in mind that the said court had delivered a judgment in 1969 wherein it was stated that Art. 370 is a permanent feature of the Indian Constitution and it is irrevocable. So I will suggest you to study the Indian Constitution thoroughly and also go through the said judgement of the Apex Court. Thank God that NDA Government has deleted this issue and adopted a way which uphold the integrity of the country. In this context I would say that dividing a state amounts to disintegration of the State. Devolution of powers does not amount to disintegration of the country and if you will see, at present, the whole world trend is that the basis for the development of a country depends upon the devolution of powers from centre to state in a federal system. If you ignore this time, you will isolate yourself. If you isolate yourself then keep it in mind, you have to lose the union of India has to lose very structure. You cannot ignore this time when our country is going to become a permanent member of the U.N. Security Council and in this way it is wise enough for the country to settle the issue because the Kashmir problem has become so deterrent. It is deterrent for the sub-continent and I can say on the Floor of the House that good sense must prevail in India as well as in Pakistan. Let them behave like good friends and let them solve the disputes amicably and where we see the meeting point, when we see the meeting point. This proposal of Autonomy Resolution/ Report which we have placed on the Floor of the House, can solve the problem, solve the thinking your leaders in India talk about a dialogue within the constitution. Here is the proposal, here is the solution of the problem which is within the framework of the Indian Constitution.

Why they back out from this? I hail the Indian leaders like Mr. I. K. Gujral, who vehemently supported in the media while taking part in a discussion. He has said that it is too late, it should have been done earlier. I hail the statement of Union Home Minister, Mr. . K. Advani,

who has said that we are prepared to go for a dialogue on this Autonomy. It is the good sense which has prevailed on them. Please listen. The discussion is going on the issue of Autonomy Report. It is being said that adakh is a separate region. I would touch this point later on. But this report is going to gain the support and the mandate from the whole of the country..... Interruptions.....

Mr. Speaker: Mr. Minister! Your time is over.

Shri Mushtaq Ahmad one (MoS Home): Sir, I want to raise two more points.

Mr. Speaker: All right. You conclude in a minute.

Shri Mushtaq Ahmad one (MoS Home): Most of the members particularly the members of opposition have for the last four days raised issues which did not concern the issue under discussion but we have listened to them patiently. Some members talked about "Radish and Carrots" while others talked about "eggs and chicken" and a few about "potatoes and onions" Interruptions.....

Please listen. This is not an ordinary issue but it is a political matter. We have to take certain decisions. Some members raised the issue about Jammu Region Interruptions.....

Mr. Speaker: Please conclude. Do not address them but to me.

Shri M. A. one (MoS Home): Sir, they are saying that there was low turnout of votes in the elections. But if you see the constitutional structure of India, you will find many states where the average turnout of voting was about 40%. If they have any doubt, I offer them to go for the amendment in the Indian Constitution and come out for a referendum on the pattern of the Constitution of Switzerland and France.

Mr. Speaker: Thank you very much. Now Hon'ble Industries Minister will speak.

Dr. Mustafa Kamal (Industries Minister): Interruptions..... hon'ble Speaker, Sir,.....

Mr. Speaker: Please take note of time.

Dr. Mustafa Kamal (Industries Minister): Right Sir. During the last few days discussion on Autonomy is going on in the House and many Hon'ble Members have taken part in the deliberations. Sir, there are signals from the Centre that they have a positive approach for this report.

State Government has already given its approval to the report and the cabinet has brought it in the House, so that every Hon'ble member may get an opportunity to give his comments on it. While speaking on it, we should keep events of the past in mind. We have to keep in mind the approach and attitude of the Centre right from the accession till today. After that we have to give our opinion on the report.

A feeling has developed in the minds of general public and in every worker of National Conference that the goal which remained unachieved by late Sher-i-Kashmir would now be achieved by his son Dr. Farooq Abdullah and it will give us political justice, for which we are eagerly waiting since 1953. Right from accession, the Centre has adopted an unpleasing attitude with the nelected Government and Sher-i-Kashmir was put behind the bars. He was in imprisonment and exiled for 15 years since 1953. Parliament under the guidance of Sardar Vallab Bhai Patel passed a bill relating to Delhi agreement and the then Commerce Minister, Shyama Parshad Mukherjee has also not opposed it. But after one and a half year, the architect of accession and great leader , Sher-i-Kashmir was involved in a fake case and detained in 1953. He has to spend 15 years in jail and exile. In this way, the democracy was not allowed to flourish here and right from that day his Government was toppled and a conspiracy started. No Government was allowed to function with peace by the Centre. That is why the confidence of the people was shamed and the situation became worse. Today, the people are being killed and molested. Who is responsible for it? Centre Government cannot save its skin from all this. We blame Pakistan for aggravating the situation but what is the reason that we are discussing the Autonomy Report and its legal aspects. We have to ascertain out line of action. I want to know the reasons for spoiling the sanctity of the agreement, which was accepted by the great leader of the great country, Pt. Jawahar al Nehru and the great leader of State, Sher-i-Kashmir, Sheikh Mohammad Abdullah. This agreement was also endorsed by the Parliament. The person, who surrendered the State of Jammu and Kashmir and its future with the Indian Union, was made to suffer despite the fact that the circumstances of 1947 had compelled him to do so as the Pak Sponsored tribal aggression had created such a situation. On 2nd of July, Sher-i-Kashmir was betrayed and later the same Governor was sent to the State again, against whom we had warned the Centre that if he is imposed on us, we will resign. All these factors have played the role to shake the confidence of the people. Centre Government has shown a positive attitude towards the

autonomy report and recently it has given a green signal. But if we keep in view the past events then are we in a position to have faith in those people who have created such a volcanic situation during the past 10 years. They are constantly betraying us and the Central government is fully responsible for it. So, we should not trust them. I would humbly submit to the Central Government and their leaders that we have received so many blows from them. The people of this State and the party, National Conference has faced so many difficulties created by them. So, they do not deserve any excuse. I may be excused as I cannot remain in saying that we cannot trust them, unless they prove themselves sincere. On the one hand, they talk about the autonomy but on the other, they express their desire to divide the State into three regions. Is this not sufficient to believe that they are supporting the people, who believe in separatism and gun culture from whom we are facing problems for the last 10 years. They have destroyed our property. They have molested our women folk and killed people in thousands. It is not a compromise with communalism. They should understand that National Conference has representation of all the three regions of the State and our members in this House represent all these regions. They have also been given due representation in the formation of the Government. So, many members representing the rural areas are very much in this House. The State of Jammu and Kashmir is not a personal property of anyone and the people of this State have not given any authority to any person for deciding their future. They have not permitted anybody to take any decision about the fate of this State whether they are Central leaders or Central Government or Separatist elements active in the State who are bent upon to kill the people on gun point. If any organization has a right to talk about the welfare of the State, it is only the National Conference which has proved many a times that it has representation of people of all the regions and communities, an example of which the State witnessed during 1996 polls. Our party was victorious and entered this House with the mandate of the people. Sir, I would like to say something about the militancy also. Militants have not come from heaven, but they emerged from this soil with sophisticated weapons. They crossed the borders. The issue of imposing restrictions between POK and this part of the State is related with human problems. The people of both the areas should be allowed to meet each other but nobody paid any heed to his suggestions. Now there is relaxation on borders as a result of which so many people are crossing the border easily with arms and

ammunition. This has posed a great threat to the integrity of our nation and many hurdles have been created in the friendly relations of the two nations. It is a fact that great expectation of professionalism is expected from security forces. But these forces have not shown such type of professionalism in combating militancy as is evident from thousands of examples of the past. I do not want to repeat them here. Security forces are only the political tools of the Central Government, which are being used effectively. Security forces have a soft corner for the opponents of National Conference, minority communities and separatists. But they have a very rude attitude towards the people of national Conference and its supporters. They do not want to lose any chance to grill a common man on any minor incident whenever they cordon off any area they remove it at their own will without consulting the representatives of Government. They have no feeling that our industries and commerce or health sector or educational setup receives a setback. Not only this, it has also affects adversely on the free movement of the public. But they do not bother for it. They derive pleasure from the problems of the people as such they should change their attitude and in changing scenario they shall have to change the anti people attitude.

Sir, a few points have been raised here which are connected with Sher-i-Kashmir. Some members of BJP have said that during the Assembly elections, all the 75 members were elected unopposed in 1951 as has been mentioned in the biography of Sher-i-Kashmir entitled "Atish-i-Chinar". If they are interested to know its reason. I would say that the main reason was Pakistani sympathizer did not dare to come forward, otherwise it was my humble desire that both the parties should face the public, so that they may assess that how much mandate they have, but when tribesmen attacked the Valley and created stormy situation here, they were welcomed by the people who dreamt of Pakistan. But the people of Kashmir were fully aware of their evil designs and did not allow it.

In Hindi dominated area of Jammu, Praja-Parshad had its deep impact. Their candidates fought in different constituencies, but they had foreseen the grim chances of their success. The National Conference party on the other hand freed the people of Kashmir from the grip of tribesmen by a concrete policy and diplomacy. They took the responsibility of providing protection to the minorities at a great risk as a result of which they won the confidence of the people. These were the circumstances due to which the Praja Parshad was in a fix

and wanted to avoid the elections, with lame excuses. They also alleged that returning officers has refuted their nomination papers on technical grounds. In this way, Praja Parshad was out from the election scene and when there was nobody to contest, the members of N.C. got elected uncontested.

Sir, it is very strange that some people from BJP have said here that Sher-i-Kashmir did not take the public into confidence while signing the Delhi Agreement in the year 1952 or while discussing Article 370 of the Indian Constitution. It is very unfortunate that such points have been raised here. In this regard, my submission is that at the time, there was only one public leader to whom Maharaja Hari Singh handed over power to him and he had no political or other relations with the Maharaja. I would also like to quote "Rashtriya Pita, Mahatama Gandhi" who had said that Sher-i-Kashmir Sheikh Mohammad Abdullah is the real successor of Kashmir. He is very daring and he is advocating the cause of Kashmir Muslims, Hindu, Sikhs and Christians and in turn they are also supporting him. Similarly late Jai Parkash Narain, while commenting on the personality of Sheikh Sahib had said that Sher-i-Kashmir Sheikh Abdullah is the tallest personality of Kashmir and no decision on Kashmir can be taken without him. Even then it is alleged that Sher-i-Kashmir had not taken the people of the State into confidence. It is unfortunate that his political life is being questioned and many attempts of misquoting his activities are Interruptions.....

Before concluding my submissions on autonomy, I would like to quote an extract of the biography of Sher-i-Kashmir (Atish-iChinar) in which he himself had confessed that while speaking in Constituent Assembly he had said that there was no other alternative and he had suggested in the House that the best way for the state is to accede to India. Now this speech is of thirty years old. This is the speech he has mentioned in last page of book in the year 1981-82. It further says that during this period. I and the people of the State had to face so many tests and had confronted so many difficulties but even then our stand remained unchanged. I think this is the best way to solve our problems which I had mentioned at that time and in this way we can strengthen our relations with the Indian Union. It will also create an atmosphere conducive for having a dialogue with Pakistan for liberation of Pak occupied area of the State. In my opinion it will also be helpful to strengthen the friendship with Pakistan. I

understand that the people of POK and Pakistan are also eagerly waiting for that day, when Central as well as State Government would jointly make their efforts to restore the position of the State which was before 1953. This is the only way to stop the bloodshed and redress the grievances of people. The Central Government should understand the stand of National Conference and cease the restrictions on the borders. It should not sabotage the efforts being made through autonomy report and restrain from any type of conspiracy. Until now, the Central Government was not able to stop the National Conference and the voice of people. If this is done in future, when it will have to face more failure in this regard.

The need of the hour is that if we have to foil the attempts from such quarters, then we should take a clear cut decision on State Autonomy Report in a rational manner. I would congratulate the leader of the House, Dr. Farooq Abdullah for convening this special session and proving us an opportunity to express our view points on this historical document. I am hopeful that my friends from BJP would change their stand after hearing these things and vote in favour of this resolution.

Dr. Farooq Abdullah (Hon'ble Chief Minister): Sir, I am sorry that I have to interfere with your kind permission. I want to clarify a few points raised by my brother. Although I would get an opportunity to speak later, but it is necessary to clear these points at this moment. I want to draw your attention towards his repeated insertions in which he has said that the Centre has hatched a conspiracy against up. I want to remind him that he is very young so he should not forget that there were many Kashmir leaders also, who played their role in this conspiracy. So we should not solely blame the Centre. This is not correct. We have to see that our own brothers have stabbed us in our back without which the Centre would not have been able to do any wrong thing. From my side. I would add that we should study the history with open eyes and as certain the facts first. If we don't present the correct things, we cannot justify our past and it will be a betrayal to our people. You are well aware of such people. I do not want to name them who were a party in that conspiracy. These conspiracies have taken place so many times and God knows about the other conspiracies which we will have to face in the future. Sir, we passing through a very tedious situation. It is repeatedly being alleged that our security forces are committing excesses.

But we have to see that who is inspiring them to do so. As home Minister and Chief Minister of this State, I want to clear one thing , if a few people are doing wrong it does not mean that entire forces like BSF, Police, CRPF and Army is at fault. This is not true. If our force officer directs some innocent people to come down from their vehicle and warns them of dire consequences in the police station and takes their vehicles. All these innocent people cannot approach the Chief Minister to narrate the factual position. This is our force and these are our jawans and officers. If I am not apprised of their high handedness, then how could I take any action? Even then we are being blamed by our own people. I at once called the officer and snatched his stars and his belt. I also issued instructions that he should immediately be placed under suspension followed by dismissal as we do not require such type of cops who harass the respectable citizens unnecessarily. If such types of people are in our police force then it is very unfortunate. They are not Central Forces.

Secondly, my submission to Hon'ble Members is that a wrong impression has been created among majority community, during the past 10-12 years that they are Pakistanis. You may or not agree but this impression has somehow played its part and created a difficult situation for the lower ranking officers of our police. Under this impression many police officers and coops are committing such mistakes so many times. But this does not mean that no action is being taken against them. We are taking due action in these cases. I have myself taken up such issues with Defense Minister and have seen that action is being taken promptly. I do not want that such type of excesses should take place. But if somebody incite some youth to pelt stones on shopkeepers and compel them to down their shutters, they do it fearing looting of their shops. If shopkeepers down their shutters that does not mean that they are supporting them. They are doing so to protect their goods as I cannot provide them any compensation. This has no concern with autonomy. Regarding autonomy I would like to say that just as we take food for our survival similarly autonomy is necessary for survival of our State. So, I fail to understand as to why they are opposing it? If a Congress man from Jammu is opposing it, let him oppose. If they do not oppose they will lose their identity. But at the same time we should be humble to put forth our view point. I would only request the Hon'ble Members particularly belonging to opposition that they should present the factual position in a proper manner and should not refer to such action for which we ourselves are responsible. That is why I have

intervened and I think it was not good to keep mum. A few people who have supported National Conference are also responsible for erosion of Article 370. We should not forget these facts. They were the members of this House. They paved a way for Delhi to do so. Thank God the Governor rule is over. Otherwise, the Governor was attempting to abrogate the Article 370. He had a meeting with Rajiv Gandhi who personally informed me about it. I want to tell my Congress colleagues that Rajiv Gandhi is no more. May God give him a place in heaven. But I want to say one more thing that once Rajiv Gandhi told me. "Farooq this cannot be possible. You should stand firmly with us at any cost". This happened when Mr. Jagmohan was the Governor of this State and Rajiv Gandhi visited here. I want to say that recently I attended a meeting in the Finance Ministry in which a great leader and the Chief Minister of Madhya Pradesh, Mr. Dig Vijay Singh was also present. He informed me that he had said in Bhopal that Autonomy should be given to Kashmir cheers So, I want to tell you that we are not demanding anything which will weaken the relations of our State with Delhi or rest of the country. I do not want to take any such step. Our people are being killed every day. If we say that we will accede to Pakistan, then will this bloodshed come to an end. So, I would like to advise my ministerial colleagues that they should take every care while expressing their views on the subject. If I am wrong anywhere, they should not hesitate to point out. I will not stop them. This is democracy. I would rather say that this is the only difference between India and Pakistan. Had not Mr. Clinton visited Pakistan, the deposed Prime Minister would have been taken to gallows. Thank God we are living here comfortably and can give vent to our feelings in a democratic way. I wanted to clear these points in the House and I am sorry that have consumed precious time of the House.

Mr. Speaker: Hon'ble Minister for R&B, Mr. Sagar.

Shri Ali Mohammad Sagar (Minister in-charge Works): Mr. Speaker, Sir, the discussion on autonomy report is going on for the last 3-4 days in the House. During the course of debate, our senior leader, Shah Sahib has thrown light on the constitutional and legal aspects of this report and other speakers have also expressed their views in this regard. If there were any commissions that were removed by Rater Sahib. Our friends from opposition have also raised some objections about this report. We patiently listened their arguments for the last 4 days. But so far as I understand, no Hon'ble Member from

opposition has raised any point it legally, constitutionally or from political point of view, so that the Government could think over it again. Whether to pass this resolution on this Autonomy Report or not. Nor they could justify it under Indian Constitution or political setup of this country. Sir, I am very thankful to the members of the House that they said we are passing through a very critical period of the history. As everybody is aware that the people of all the regions irrespective of their religion, caste or creed are becoming victims of militancy. An attempt has been made to change this situation by conveying a special session of the Assembly. But it is unfortunate that some Hon'ble Members are not taking this issue seriously. The history reveals that Sher-i-Kashmir had started a movement against Maharaja and the feudal setup. He was a leader of such a towering personality that he waged a war against the setup and succeeded in this mission as a result of which we got freedom from autocratic rule. In that era nobody could dare to raise his voice. While crossing a bridge near Tankipora, the people were compelled to move in frustrated way and had to say Maharaja Ki Jai and people were taken for "Begar". I was Sher-i-Kashmir under whose banner we got freedom from autocracy. The people then started singing and raising slogans in Kashmir:-

پنہ و تھرس کیا چھو لکھیت
 شیر کشمیر زندہ باد
 کم سنا بدلاؤ سون تقدیر
 قائد اعظم شیر کشمیر
 بندگی مکھئے زندگی میج
 قائد اعظم ژیر کشمیر

It is very unfortunate that a member from adakh had said that adakhis don't accept Sher-i-Kashmir as leader. Perhaps he has not studied the history properly and he does not seem to be aware of the contribution of Sher-i-Kashmir in making historical events for the State. There is no denying the fact that everybody has accepted Sher-i-Kashmir as a leader of Kashmir. This fact has been endorsed by the whole world also. The soul of Sher-i-Kashmir might be present

in the House. He has said, "whenever the name of Kashmir would be referred his name would be remembered. He has said that my soul will always remain in this valley and shall constantly watch the development of this area". His contribution for raising the standard of living and creating in them the confidence is well known to every one, whether he hails from Jammu, Kashmir or adakh. Some members today mention about Constituent Assembly to them I want to inform you that out of 75 members 27 were non-Muslims and all the areas has due representation. Mr. Koushak Bakula was from adakh whereas Mr. Mohd. Ibrahim Shah was from Kargil. Every area was duly represented in the said Assembly. The struggle of Sher-i-Kashmir was based on secularism. He strengthened the accession of Kashmir with India which Maharaja has seen in secular India. It is not a fact that we had not given a opportunity of Pakistan. At that time Sher-i-Kashmir deputed Bakshi Ghulam Mohammad and Sadiq Sahib to Pakistan for discussing about the fate of Kashmir. But keeping in view the mind of Pakistani leaders and the remarks of Mr. Jinnah that "Kashmir is a bearer cheque in my pocket which I can encash any time". Sher-i-Kashmir said at that time we are not such type of puppets that they will decide our fate. We are masters of our own destiny. At that time Mr. Jinnah popularly known as Qaid-e-Azam of Pakistan has to flee from here so you should keep all these events in mind. On the eve of Martyr's day 13th July Sher-i-Kashmir described Smt. Indira Gandhi as dynamic leader of India. Today when we are discussing the resolution on autonomy, we should not forget that Sher-i-Kashmir Sheikh Mohammad Abdullah is the main architect of this autonomy. So whenever we discuss it we should know that Sheikh Sahib is keeping a watch on our activities. We should keep in mind his personality, his struggle and the days he spent in the jail of Bhandarwah, Badamibagh, Bahufort, Kathua and Kud. We have to expose the reasons behind it. These are the historical facts. Any body who forgets his past can not do any reforms for the people. As such, I would like to say that with exercise, the soul of Sher-i-Kashmir would be happily. Mr. Sadiq Ali has rightly pointed out yesterday that while handing over the president ship of National Conference to Dr. Farooq Abdullah in a delegate session Sher-i-Kashmir has said, " Son, you should complete the work which I could not complete". In case you complete it then you will be my real son". Today, I congratulate the leaders of National Conference who have done a commendable job in this direction. We can not forget the contribution made by the Hon'ble Speaker Shri Abdul Ahad Vakil: Mr. Vakil has also suffered a long imprisonment,

Kh. G.M. Shah and our great leaders Dr. Farooq Abdullah took active part in the Moi-e-Mudadus movement during 1962. His role was heroic at that time. There is no question of Hindus, Muslims or the people of Jammu, Ladakh or Kashmir. It pertains to whole of the State and to oppose it will be an injustice. So we should rise above party politics and think with cool mind while discussing the resolution. Dr. Farooq Abdullah has never challenged the accession of Kashmir with India. In my opinion, you cannot equate any leader of India with Dr. Farooq Abdullah who has done such a commendable job for the integrity and unity of India. I would like to remind you a historic event of 1987 when a public meeting was convened in the Jamia Masjid at Srinagar. Mr. Abdul Gani Lone, late Maulana Farooq (God may rest his soul in peace), Mr. Bhim Singh and Dr. Farooq Abdullah were also present besides other leader of Awami Action Committee. The gathering was about one lakh. When Dr. Farooq Abdullah was asked to speak, he said "I don't want to show you such dreams which can not be fulfilled". I was also present there. Maulana Sahib said to Farooq Sahib "Farooq what are you saying"? At this stage Dr. Farooq Sahib said that Kashmir can never be a part of Pakistan. We have to live with India that too with dignity. This was the Jamia Masjid where nothing was said without making any reference to Pakistan. In that very Mosque, Dr. Farooq Sahib told them to face the reality. Mr. Speaker, Sir, I would like to say with your kind permission that it is unfortunate that a vicious propaganda has been unleashed by so called intelligentsia and media. Today, I listened and interview with Mr. Prabhu Chawala. About the interview Mr. Piara Singh has also said that he is sorry for that interview. Mr. Prabhu Chawala had said that the armed forces have stamped the ballot papers and made Dr. Farooq Abdullah successful. If we speak the truth, will you be in a position to bear it? Dr. Farooq Abdullah has always taken care of your dignity. He has always kept himself reserved about these issues which if come to light can prove harmful to you. We know what has happened and where it has. Dr. Mustafa Kamal has rightly said I have myself visited every booth on the polling day and found that a conspiracy was going on against us. I have seen that the people were being instigated to vote against the National Conference and nobody was in our favour. You might remember that in an interview broadcast from Radio Kashmir and shown on Zee TV. I have said that BSF has played such an indecent role in the elections which was beyond my imagination. I Asked their commandant" whether it is constitutionally right the voters are coming there at the risk of their lives and you are asking them to show

their ration cards and identity cards. You are here to protect democracy". Even then you are saying that the turn out of voters was only 12 or 10 percent. During the regime of Indira Ji, the militancy was at its peak in Assam and what was the percentage of voting there? How many votes did Congress get in forming its Government?-----interruptions----- please be silent. I want to inform your that you should be grateful to Dr. Farooq Abdullah Sahib who told the people that they should cast their vote even at the risk of their lives. In this way we upheld the Indian Flag. A day before yesterday Dr. Farooq Abdullah while addressing the House had said that everybody wants to make India powerful and same is the main motive of this Autonomy Report. It tells us about our relation with India, so we should not label it with Hindus or Muslims while discussion it we should think that how we can do away with the present situation but not raise any controversy or issue of uncertainty. Just now, one of my friends has alleged that Dr. Farooq Abdullah is not taking any steps to curb the militancy. But we have to see that where from the militancy originated. On 19th January, 1990 when Farooq Government was toppled, there were only 72 militants. The record of police stations is evident in this regard. We freed them and asked them to join the main stream. Many Pandit families migrated from the valley which was never imagined by us. You see that during 1947 when the entire sub-continent was burning. Muslims were being assassinated in Jammu and Hindus were being killed in some parts of India and Pakistan, our Kashmir Valley was safe where Kashmiris with fake wooden guns were challenging the aggressors that we are prepared to face you. If you go through the history, you will find that Sheikh Sahib took dead bodies of Kashmiri Pandits who fell to the bullets of aggressors for cremation. At that time, one of the Kawajee who was in the fore front to raise Pro-Pakistani slogans had said that Sheikh Mohammad Abdullah has now become a Kawajee, Kawajee means the person who torches the funeral pyre for Hindus. But Sheikh Sahib was blamed for this also which is very unfortunate. A member fro BJP has said that Sheikh Sahib was American agent. To them my submission is that if we will decide the deserving persons for Bharat Rattana we will at once propose the name of Sheikh Sahib for it. But it is very unfortunate that a few people here label him as American agent. Sir, I would humbly submit to Gupta Ji that if you go through the history you will find persons like Bal Thackray, Uma Bharati, Ashok Katyal in India who were responsible for creation of Pakistan. If you had acted on the advice of Rashhtrya Pita Mahatma Gandhi, then the Kashmir problem, wars and confrontation between

Hindus and Muslims would not have taken place. You are responsible for all these events. Now you should not attempt to create hurdles in the way of passing Autonomy Resolution. It has also been said here that this is not the proper time to move this resolution but thank God Dr. Farooq Abdullah has a number of close friends in India. Recently, one of the journalists, has said that NC Party Government being a democratic Government has every right to discuss autonomy. Mr. Gujral has gone one step further by saying that it should have been discussed earlier. Mr. Gujral being a former Prime Minister, foreign Affairs Minister and Information and Broadcasting Minister has provided a deep impact on Indian Politics. The Communist Party of India has also supported it. But the persons like Nirander Modi, who believes in petty politics say that it is an ISI Plan. Gupta Ji, you kindly inform Mr. Narinder Modi that National Conference is not an agent of ISI. Its workers are being killed everyday. Our young workers, Ministers, MLAs and District Presidents and above all a kin of Dr. Farooq Abdullah was also killed recently. Who is responsible for it? Sir, it was Mushtaq Atram, an illiterate, gambler, characterless person who took to militancy and admitted in an interview on BBC that he has also killed the brother of Dr. Farooq Abdullah. It is not a matter of shame that the persons who is responsible for the murder of above two hundred and fifty National Conference activists, was escorted to Kandhar in an Aircraft by Mr. Jaswant Singh. I have great regard for Mr. Jaswant Singh but is this way of your thinking and it also speaks about your policies. On one side you claim that you are deadly against militants and Pakistan, but on the other when Atram reached Pakistan he said, no dialogue is possible without the participation of Pakistan. My submission in this context is that without knowing his background Mr. Jaswant Singh Ji was very keen to escort Atram to Kandhar, Sir, with your kind permission, I would like to submit Gupta Ji that the coming generation would not draw positive prospective about your policies and ways of functioning. Atram was the same person who also planted bombs on the body of a youth of Rajouri Kadal namely Tehseen Billa and blew his body with a remote control. Later on he proudly he said, "This is called Militancy". The same Atram cut into the pieces the body of Bashir Ahmad R/o: Maisuma. Even then your party escorted him to Kandhar. I would submit that -----

Dr. Farooq Abdullah (Hon'ble Chief Minister): Sir, On a point

of information for my colleague Interruption

Mr. Speaker: Please sit down, the leader of the House wants to speak.

Dr. Farooq Abdullah (Hon'ble Chief Minister): Sir, on a point of information for my young flamboyant colleague, I want to tell him that I had contacted Mr. Jaswant Singh. He was also in a sad mood at that time. I am not telling you all this for sake of autonomy. But it is necessary to inform you as I understand that you are not aware of the fact . At that time, there was a question of safety of hostages who were traveling in the hijacked Aircraft Interruptions

I feel sorry for those people who demonstrated in front of the residence of the Prime Minister and were stressing for the safe release of the hostages. Under these circumstances, Jaswant Singh Ji was not in a position to consider other options but the main motive was for the safe release of hostages. I want to inform the House that the media had shown how the mob attacked the Prime Ministers residence. They were demanding that these antinational militants who are bent upon to destroy this country be released. They were doing so for the safe release of their sixty relatives and did not think of the country. The release of the hostages was very important for them. I am sorry to inform Sharma Ji that I was also feeling pity that we are not caring for our country for which we have sacrificed so many lives. Honestly, I want to inform you that I also spoke to the Prime Minister and Foreign Minister. They also were feeling sorry for it. At that time, they were not thinking about the nation but about hostages alone. So you should not blame Mr. Jaswant Singh only. You should also blame one hundred crores people of the country. Mr. Jaswant had not investigated them to do so. If at that time only one crore people had said that we should sacrifice them for the sake of the country, then the situation would have been different. But our media witnessed all this saliently. A few people from across the border were saying that you should not worry all this would be settled. So Mr. Jaswant Singh had to bear all this and he was compelled to escort them to Kandhar. Therefore, you should keep all this in mind.....Interruption

Mr. Speaker: Please sit down

Shri Ali Mohammad Sagar (Hon'ble Works Minister): Sir, ----- interruptions.....

Note: At this stage pandemonium prevailed in the House, with the result nothing was audible.

Mr. Speaker: Mr. Soharwardhy, please take your seat-----
Interruptions.....

Shri Ali Mohammad Sagar (Hon'ble Works Minister): Mr. Speaker Sir, I was saying that -----interruptions-----

Mr. Speaker: Now you may conclude please-----Interruptions-----

Shri Ali Mohammad Sagar (Hon'ble Works Minister): Sir, I would submit that I don't want to repeat those words but about Mr. Ashok Khajuria people say that his actions in the House are un-parliamentary and he has just now said that Ali Mohammad Sagar is a Commander of JK F. I want to inform him that he should not be proud of being an Indian. Can he dare to move in Nawab Bazar locality? Our Houses were attacked and ransacked; my daughter had to jump from fourth storey and her clothes were torn out in front of about 2000 people. Despite this, you claim to be Indian. You are not Indian, but we and our leaders deserve to be Indian. You are nearly a chowkidar and paid agent of India.....Interruptions-----

Dr. Farooq Abdullah has rightly committed about your party yesterday--
---it has been seen that you have no moral values and you are acting only as an agent of Central Government. Whether Ruling Party is Congress, BJP or Janta Dal. The policy of the Central Government has been to demoralize the people of Kashmir. Now you have nominated Abdul Rashid Kabli as leader of your party who used to cry the flag of Pakistan in his processions. Right from 1953 to date it was a practice that one who criticized National Conference and Sher-i-Kashmir Sheikh Mohammad Abdullah was given higher post. Whether he is Mohammad Shafi Qureshi or Mufti Mohammad Sayeed, I may say that the present situation has arisen as a result of wrong policies adopted by the Central Government Interruptions..... While speaking on debate many Hon'ble Members have appreciated Sher-i-Kashmir Sheikh Mohammad Abdullah for the role he had played while making accession with Union of India and by giving final shape to the instrument of accession made by Maharaja of the State. Thereafter on 26 January, 1950 the final accession of Jammu and Kashmir with union of India was published in the gazettee after this on 24th July, 1952 Delhi Agreement was signed where under special status was granted to Jammu and Kashmir State under

Article 370 of the Indian Constitution. It was also ratified by the Indian Parliament. Thereafter Sher-i-Kashmir, Sheikh Mohammad Abdullah, the then Prime Minister of State as well as the Head of Constituent Assembly was arrested and put behind the bars under a conspiracy. This was a great blunder committed by the Central. It is being said that Smt. Sonia Gandhi as well as Congress Party should apologize before the people for imposing emergency in the country by late Smt. Indira Gandhi. Similarly, I would like to submit that you should also apologize to the family of Sheikh Mohammad Abdullah as well as the people of the State. The Central Government always played a political game in Jammu and Kashmir State. Sheikh Mohammad Abdullah who was arrested during the regime of Pandit Jawharlal Nehru was released from the jail in 1975 by Smt. Indira Gandhi who realized that by arresting Sheikh Sahib, her father had committed a great mistake and handed over power to him in 1984 during the regime of Shri Rajeev Gandhi the government headed by Dr. Farooq Abdullah was toppled under conspiracy because the working committee of the National Conference did not agree to have an accord with the Congress Party. Thereafter, Rajeev Gandhi realized that the puppet government cannot function and keeping in view this thing he signed an accord with Dr. Farooq Abdullah in 1986. Now we realized that we had committed a big blunder while making an accord with the congress party as has also been said by our leader. He has said that no ruling party at the Centre can prove a well wisher for the people of Kashmir as they never paid due attention to redress the grievances of the people.....Interruptions.....The Members of opposition parties have said that we must have dialogue with the Hurriyat Conference in order to resolve the Kashmir issue. Not only have this but they also said that the main motive of Dr. Farooq Abdullah to bring autonomy report is only to sabotage the dialogue between the Central Government and Hurriyat Conference.

In this connection, I may say that let us see who are the leaders of Hurriyat Conference, they are paid agents and get money from the I.B. and Home Ministry. The people of Kashmir had never trusted them not imposed any faith in the Central Government. I would like to know who has appointed the son of Syed Ali Shah Geelani as D.F.O in 1995, who allotted contracts of Food Corporation of India in favour of Sajjad S/o: Abdul Gani one, who allotted drug agency to Dr. Naseem in New Delhi. This all has been done to please these people. At present similar statements are being given by the Union Home Minister, Shri .K. Advani as well as the leaders of Hurriyat

Conference interruption.....They want to divide the State in three parts. But I may say that who are they to divide the State. We will never tolerate the division of the state as has already been stated by our leaders. The total area of our state is 2 lakh and 22 thousand Sq. Km. out of which 1 lakh and 20 thousand Sq. Kms area is under illegal occupation of our neighbors and only one lac and 2 thousand Sq. Kms. are with us . If you are sincere then please apprise the factual position to the centre. A couple of days back Mr. Arun Shorie while giving an interview to Zee TV stated the founds are allotted to different states keeping in view there topography and the problems being faced by the people there .Assam is getting 10 times more founds as compared to our state. Similarly, tamil nadu also gets more. We are also facing such problems but the boggy he raised is about election .Then central Government detained Sheikh Mohd. Abdulla in 1971, we had said that we can prove that people are with us. Dr. Farooq Abdullah had made it clear to Hurriyat people that he are prepare for Elections.Dr farooq even made friendly gesture with Molvi Farooq and not only this maintained good relation with Congress as well as BGP I would like to remind the members of opposition that National Conference is the only political Party which can run the affairs of State smoothly but all the agencies like ISI,I-B Jamati –i-Islami amd Militants are opposing our parties policies. Most of our party works have been killed during militancy. In 1989 when the session of the assembly was going on, one Yousuf Halwai, a loyal worker of our party was shot dead by the militants in 1994, Dr. Farooq Abdullah the leader of our party refused to participate in the parliamentary Elections. Whoever, during the assembly elections of 1996, the autonomy was the main agenda and after contesting Election our party got absolute majority in the House .As per report of media the people of Jammu and Kashmir are opposing the Autonomy but I can say that it is not based on facts .such statements are given only to mislead people in this connection, I would like to quote an example of Bill No. 9 which was passed by the legislative Assembly. At that time people were being told that this State would become Pakistan if National Conference will come to power .but even then the people of Jammu have relised that Dr. Farooq Abdullah is a true Nationalist. I am very great full to our great leaders like ate Sheikh Mohd. Abdullah and his associates ate Moulana Atta-Ullah Suharwardhy, ate Hakim Habib-ullah Shri Abdul Ahad Vakil(Hon'ble Speaker) and Shri Gh. Mohi-ud-din Shah, Hon'ble R&B Minister who have to faced great hardships to fulfill the dream of Sheikh Sahib regarding Kashmir State.

I hope, we will succeed in fulfilling his dreams by restoring the pre-1953 position in the State. By doing so we will be able to fulfill the aspirations and sentiments of the people of Jammu, Kashmir and Ladakh.

Mr. Speaker: Please resume your seat. You have already taken much time. I would like to inform you that 12 Hon'ble Members have participated in the discussion today. The discussion was very nice, lovely and constructive. I would request all of you, particularly Mr. Ashok Sharma of Congress that he should not get up every time. Hon'ble Members should not protest time and again. Everyone should take note of his individuality. I am very thankful to all the Hon'ble Members of the House who have expressed their views while taking part in the debate. Now, I adjourn the House to meet again on Monday at 9:30 AM. Thank You.

Note: The House then adjourned to meet again on Monday the 26th of June, 2000.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY SECRETARIAT
(OFFICIAL REPORT)

**Discussion and voting on the motion regarding State Autonomy
 Committee Report. (The Motion was adopted).**

The House met in the Assembly Hall, Srinagar on Monday the 26th June, 2000 at 9:30 AM.

Hon'ble Speaker Mr. A.A. Vakil in the Chair.

Mr. Speaker: Now, we start today's business. Shri Harsh Dev Singh.

Shri Harsh Dev Singh: Mr. Speaker, since the date, discussion on autonomy has started here, Pakistan has unleashed malicious propaganda against our Country as well as Security Forces. We condemn this attitude of Pakistan in strongest terms.

At this stage, Shri Harsh Dev Singh, Shri Som Nath and Sagar Chand raised anti-Pakistan slogans.

Mr. Speaker: That is sufficient, please resume your seats. Hon'ble Law Minister to speak.....Interruptions.....

Shri Mohammad Syed Akhoun: Sir, on 24th of June, Doordarshan Kendra, Srinagar and Radio Kashmir Mentioned my name in their news bulletins that I have made a speech in the Assembly whereas I had not made speeches, our names are not mentioned. So action is needed to be taken in this regard.

Mr. Speaker: Hon'ble Law Minister.

.....Interruptions.....

Mr. Speaker: Please resume your seats. This is not proper.

Mr. Mohammad Abbass: Mr. Speaker Sir, I had not spoken against autonomy whereas the media has misquoted my speech and reported that I had spoken against it. I would like your goodself to enquire into the issue.

Mr. Speaker: Mr. Abbass, I had also taken note of it. You can take recourse to rules and bring a privilege motion and I will take action under rules. Provided you stick to your stand.

Mr. P. . Handoo, Hon'ble aw Minister: Mr. Speaker Sir, in the atmosphere of mixed feelings of joy and regrets, I am before the House and what you have described as a part of historical proceedings of this House. I at the very outset would like to explain why I have started with mixed feelings of joy and regrets. Today is the 26th of June, 2000.

(Voices) Please speak in Urdu.

Mr. Speaker: Urdu will also come before you.

.....Interruptions.....

Mr. Speaker: Sadiq Ali Sahib, you cannot compel a Member to speak in a particular language. There are two recognized languages, Urdu or English.

Mr. P. . Handoo, Hon'ble aw Minister: Today is 26th of June, 2000 exactly 25 years before on 26th of June, 1975, we woke up in India when the Constitution was at its darkest hour, on the same day, it posed a challenge before the enlightened and emancipated leadership of the Country and the result was March, 1977 when in the historically held elections for the Parliament the ruling party of the Country for more than 25 years from 1947-75 completely disappeared from the scene. But the wildest of the wild Act of tempering was with the Constitution. The way and manner in which they has tempered the Constitution of India during the night, an unfortunate night of 25th and 26th of June, 1975.

I will not say more than this about that date when Constitution of India was buried for the time being and the process of burial we have to undo and Kashmir has an unique opportunity, an unique challenge of placing before the

entire Country, the manner and the way in which the Indian Constitution must be respected and reconstructed. That process was started in 1977 and at that point alone, the 1977 March is the very significant month and the year for Jammu and Kashmir State. After 25 years of incarceration the architect of Kashmiri's freedom, Jenab Sheikh Mohammad Abdullah whose very name seems to be chilling this punch not only this, many people in this part of the State but in the rest of the Country as well has to play and continue the historical role that he was playing in commenting Indo-Kashmir relationship alone. Behold those who welcome 22nd of February, 1975 passed a vote of no-confidence against him or threatened a vote of no-confidence against him in March, 1977 and God's ways are inscrutable, the inevitable happened the party which placed him at the helm in Kashmir, said that they must seek popular vote and popular vote was sought. 3rd of July, 1977 will go down as a red letter day in the history of Kashmir when for the first time after that inauspicious night of 8th -9th August, 1953, we got what is not realized by us, what is recognized internationally in the fairest of fair elections in Jammu and Kashmir State and what does the State Autonomy Committee tell the country in very icon terms about the results of 1977 elections. I will read that. I will take some time but as fast as possible I can.

Mr. Speaker: You have to be within time, Mr. Minister..... Absolutely not. I will not allow anybody to turn down any request only you behave properly.....(Interruptions)..... He is intelligent enough. Mr. Sharma.

Shri P. . Handoo, Hon'ble Law & Parliamentary Affairs Minister: This is page No. 86(69) Chapter XII titled "Return of Sheikh Mohammad Abdullah to Power in 1975 and After." And have not given more than six lines to this particular event. One more important point is not what happened from 1953 to 1975, for the time

being that a part of history, only two things that I want is to recognize facts which are sacred. The fact that he was dismissed and detained on the intervening night of 8th and 9th of August, 1953. I do not mind if he is getting dismissed as Prime Minister of Jammu and Kashmir State. What was more serious is that he was dismissed as President of the Basic Principles Committee of Kashmir's Fundamental Rights Committee of Jammu and Kashmir Constituent Assembly. Article 370 brought into existence recognized, equal and Constitutional concept of the J&K Constituent Assembly being necessary for Jammu and Kashmir State. For reasons, I am not going into that.

Till then Maharaja had said on 5th March, 1948 declaration, Yuvraj Karan Singh had said in November, 1949 declaration that what we are evolving a National Assembly for the State of Jammu and Kashmir. The National Assembly concept was totally in evaporation. uthaniya on 26th of January, 1950 when the concept of the Constituent Assembly being entrusted with a task of framing Constitution of Jammu and Kashmir was evolved and having done that we come to 1977 when Sheikh Sahib after 1953 went to the people asked for vote and after having voted to power in the manner and in the way in which he won the greatest of the most cynical minds of the world, says this was the fairest and fare election ever fought in Kashmir and what does the Autonomy Committee wanted them to do and want them to do now. I will read that second paras last three lines.

“However unfortunately even the historically held elections were not made best use of to deepen the roots of National mainstream politics by enlightened National leadership and by yielding to the people of Kashmir what they needed most, what they held to be their birth right, their right to be a special State in the Indian Union with unbridled powers of legislation in matters other than those ceded under instrument of Accession or Powers incidental or ancillary thereto.”

What does the people of Kashmir want through the State Autonomy Committee? That we had soft corner in 1952 nothing less nothing more than extensive unbelievable powers of legislation for this House. It just seems to say that this House of Jammu and Kashmir legislature must have Sovereign Powers of legislation on matters

other than the three subjects. I am not going to legislate on Defense, I am not going to legislate on Currency, I am not going to legislate on Communication. I am not going to legislate on Foreign Affairs. But I am going to seek and zealously struggle to achieve otherwise left in the field after these four amblers for our unbridled powers of the legislation. I don't want to be a Notified Area Committee. I don't want to be a Town Area Committee. I don't want to be a Municipal Committee. I don't want to be a Corporation. I want to be a full-fledged State of the Federation of India. And who is giving the State this concept. Now let us go back to year 1900. I will take run as fast as I can through history. Now you had towards the close, of the beginning of the last century, till the end of the last century, you have the experience of Soviet Russia taking birth. You have the concept of America having established itself even in the year 1900, Canada having been born from British Empire. Three important federations in the world. (I will forget for the time being Switzerland I will forget for the time being Yugoslavia I will forget for the time being federal Republic of Germany). Forget them, but the three we are acquainted with, are Australia, Canada and America . Compare them with another new experiment, ie; the federation, that sought to be built by Soviet Russia.

Soviet Russia was one federation in the Continent in 20th century which accepted and recognized the right of secession of the State. Any state which wants to run away from the federation, could do it, by following certain procedures. But having done so, having taken such radical progressive steps, they also centralized the powers, may be for a historical reason. I will not go into that, but the fact of the history is, that the academicians, the political thinkers, did not describe Soviet Russia as an (interruptions).....

Shri P. . Handoo, Hon'ble Law Minister: Sir you can feel rest assured with State of my health, I have, I will not feel provoked at all today. But I can assure my learned friend, when I move my hand, it is only to emphasize the point, not to threaten a person, the way he does it(interruptions).....

Mr. Speaker: He indicates his hand and wants to maintain the discipline.

Mr. P. . Handoo, Law Minister: Any way, Soviet Russia went to the way it had as a result of historical accident. What not

or what is what? The question is that it does not describe it as a federation. You already know it was always described a union of States with each State having right to secession. God forbid, God forbid, my country India Should not go the way, the Soviet Russian Federation has gone.

I will just now take you to certain detailed parts of the history, to Article 370, what my learned friend of BJP should read. This Article 370 (1) (a) (b) (c) (d) (e) (f) (g) (h) and apply your mind, how is it, that this 370 (i) as many as seven new sections and why are these special sections, why is this Article 370 a temporary section, we will deal that but right now I will inform you that, if any system of the political Government has survived during the 20th century, if any system which has evolved after the middle of 19th century, till the end of 20th century into the new era of new Millennium today, is the federal system. No unitary system has survived and no unitary system, in a country, like my beloved country India can survive, if you do not hear right now, not only what I am seeking for Kashmir, but there will be the same pattern for the rest of the country. When we go through Nagaland, Sikkim and Mizoram, to see each village, what is it, that is sought and imagine Foreign Minister of Ceylon very recently seeking a copy of Article 370 from Government of India. For solution of his own ethnic problems in small a country known as Ceylon. So, you have nothing to be ashamed of, you have no cause to get agitated. I will remain my BJP friends, as small part of Indian history, the Sanskriti that they are taking. Recollect the Janpada of this Bhartiya Sanskriti and remember each Janapada was a part of whole country i.e, India and also go ahead, what substitute what reply is Janapada, was the Soba, was the Halqa like that of the mughals. Again small parts of a big set up, Kashmir was once ruled from Kandhar and Kabul. Those are the Sobas, don't forget Kashmir had a history, but remember one thing that the entire country had never centralized rule from Delhi for the rest of the country, except if you seek, you read history of federations in World today, as many as 22 countries are federal today, and in each case you will find either this federal system has replaced old imperial lordships or a willing voluntary consent by the federating units to form Constitution. My Country's Constitution is not federal. It is called as quasi-federal, it is called federal more unitary less, but none-the-less, no academician, no political thinker can call it federal in the traditional manner.

-----interruption-----

Mr. Ashok Sharma : Sir, it is mentioned in the preamble of the Constitution that it is a federal. And now my friend cannot say so. He has quoted wrongly.

Mr. Speaker : Mr. Sharma Ji, please resume your seat. This is not a contempt, no contempt of Constitution has been committed. Interruption is every body's right.

Mr. P. . Handoo, aw Minister : I read preamble, I will stop speaking, if I find word federal in the preamble. I will just stop speaking, word federal is neither in the Constitution of America though it is federal, nor in the Constitution of India though it is quasi-federal.

That I will read for your information" we the people of India having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic-----interruptptions-----. It is not federal-----interruptptions-----.

Mr. Speaker : please don't discuss what is not there. It is republic.

Mr. P. . Handoo, aw Minister : Any way federal is not there. The very first Article of the Constitution of India describe India as union of States. If you go back 1919, if you go to first document of Simon Commission, if you go to 1929, if you come to 1934, what India was conceived to be, if you read your Congress Party manifesto of 1930 what it was conceived to be, was a federation. And federation for a very positive reason. Because of your British India. You had a native India. You never wanted native India to be out of the total India, when India gets free. You wanted a consenting party a voluntary participater, a voluntary person who would come and be one with you in federal unit. And that dream got quashed, I knew and if you want to read. Only one document, I don't want to take your much time, read the Union Powers Committee Report of the Constituent Assembly of India. They will tell you in the shortest possible terms that why are we shifting from federal to semi federal to quasi-federal.

-----interruption-----

Mr. P. . Handoo, aw Minister : so my submission is that this is one aspect which has got to be kept up in view, second aspect that you have to keep in view, those who are agitated by this Article 370. I will give you one reason why Article 370 was inevitable. Now imagine, Constitution of India was being drafted from middle July, 1946. The only two States in the Country which they required politically which did not accede to India or Pakistan till 15th of August were Hyderabad and Jammu and Kashmir. And why you will not go into those two recognized facts. And even on 15th of August, 1947, I wish I had time, I will read to you, the reasons given by the Lord Mountbatten, as Governor General Of India, why Hyderabad was not acceding by the 15th of August or, why Kashmir failed to accede before 15th of August. History might have been different but the fact is that we did not choose to accede till 15th of August. We were not in the Constituent Assembly. We acceded in the circumstances you know in the circumstances, the World Knows; on 27th or 26th of October 1947. Even on that day Kashmir did not find representation in the Constituent Assembly of India. We got them driven in a war with Pakistan and till 1st Of January, 1949 two things were going on continuously; war with Pakistan in Kashmir and framing of India constitution in the constituent Assembly at Delhi. And by middle of November 1949 Constitution of India was ready to be adopted. Now how many of political activists in Kashmir would have been happy to continue with the relationship which has been cemented in October, 1947. We had acceded to Dominion of India and the Dominion of India was getting changed into Republic of India; Our accession with Dominion of India will not have concluded in the same frame in the same form to Republic of India. Something had to be done and if you ask your own party people, what is it, that was done, to see that relationship between Kashmir and India continue after became Republic. You know as I know that Constitution of India in part was adopted on 26th of November, 1949 the Yuvraj, the Regent, duly authorized person by Maharaja, passed a very historic notification for the first time, and what our friends in BJP today forget, what is the fact I did my best to remind their leaders -----
---interruptions----- Any way I will not herein after, use BJP at all, even though you are the rulers of the Country -----
interruptions----- Sir, on 25th of November, 1949, Yuvraj Karan Singh Issued a notification-----
interruptions Khajuria Sahib please be silent. Do not raise your hands, I also can say much more than you.

Mr. Speaker : Handoo Sahib don't get irritated, please.

Mr. P. . Handoo, aw Minister : I promise that now I will not quote the name of BJP. Wait for the elections, you will know your fate. The dramas staged by you are not going to pay.

-----interruption-----

Mr. Speaker : Alright now please resume your seat.

Sharma sahib please don't join every time.

Don't join every time, it is not good. You are a seasoned M A,

Why do you join course every time -----

-----interruption-----

Mr. aw Minister, please don't get involved in these pity matters.

Shri P. . Handoo, aw Minister: Sir, I am not getting provoked at all.

Mr. Speaker : Otherwise you will lose charm. Adress to me don't go to them.

Shri Haresh Dev Singh: Sir he says this is not a federation -----

-----interruption-----

Mr. Speaker : please don't do------(interruptions)

You are not an authority. Everybody has a right to interpret. Please resume your seat and listen to me. Everybody has a right, Whoever knows the Constitution-----interruption----- Everybody can interpret Constitution as he likes, if he knows the Constitution. You can't thrust your opinion on my body. We know, I also know, I know much better than you know, please go ahead.

Shri P. . Handoo, aw Minister: Sir, on these two dates the Order dated 25th of November, 1949 was passed by the then Regent exercising his powers-----interruption-----.

Mr. Speaker : Only one member should speak at one time as nothing is heard, when all the members speak together, please take your seat. It is not a proper way.

Note:- Despite the repeated persuasation by the Hon`ble Speaker, the Hon`ble members from opposition particularly members of BJP, Congress I, Panthers Party continued shouting slogans. Proceeded towards well and continued to agitate loudly. Nothing was clearly audible.

Mr. Speaker : you may please resume your seats as the Hon`ble Chief Minister wants to say something.

Dr. Farooq Abdullah, Hon`ble Chief Minister : Please listen II members of opposition, I regret with fo9lded hands, any member of my party disturbs the proceedings.....(interruptions).

Mr. Speaker : It is enough. Now please resume your seats.

Dr. Farooq Abdullah, Hon`ble Chief Minister : I am very very sorry, I do not know what the member has said. I did not hear it, so, I don not know, but I want to tell you people sitting here that this is a vital debate, and you are wasting time by your stupid arguments, whatever, it is and remember one thing clearly, Shafi, if I hear a word from you, I will throw you out of my party. And I must tell you one thing clearly, I have not brought this thing here, to be fretted away or to be wasted. This is very vital for the state and you are wasting time, none of you should speak. None of our member should speak, even if they blow me out, do not speak, and I want to warn my aw Minister, I need your arguments blown, because then we lose time and we lose the most of central part of it, so for God's sake get on with your debate.

Shri P. . Handoo, aw Minster : Sir, giving any more details which are necessary from the year 1939 till 25t of January, 1957. I must atleast place before you my views on a very important document, which has been brought under criticism many a times in the House i.e, Accord between Sheikh Sahib and Indira Ji, of 1975 I do not want to take this accord for discussion separately. But only to indicate that reference to some D. D Thakur Devi Dass Committee, were not only uncalled for, but factually incorrect. Before I proceed to deal with those three reports, which emanated from Thakur Devi Dass Committee, I must just take your permission to read two of the Clauses to show that there should be no comment on them, because of what was written in the Accord itself. And before I travel anywhere else, I will take you to decision No.6 of the Accord. Article No.6 of decision No. 6 was " no agreement was possible" kindly listen to me those who say that the National Conference is bringing it to existence since now, they forget, that things are not being brought on to existence now, they were in existence, they were dormant, they are being given life now and let me hope, we will live long enough

to see, that not being brought to life, but being part of our organic life in the State of Jammu & Kashmir, I am 100% sure, we will do it . Now look at the point of divergence which has been recorded by the Indian Constitution authority, as J.Parthasarthy ; on behalf of the Madam Indira Gandhi and the dynamic, among the legal luminaries in Kashmir Mirza Mohammad Afzal Beigh in 1975 and that was that no agreement was possible on the question of nomenclature of the Governor and the Chief Minister. And what was the decision taken; we are now trying to review. The decision taken was let it be referred back to the principles. Now who were the principals, J. Parthasarthy is the principal of madam Indira Gandhi or those who succeeded Madam Indira Gandhi, and for the Mirza Mohammad Afzal Beigh, the principal were those who appointed him to negotiate or those who followed our leader today and what are we doing? We are only reviving, a pledge taken by them and there was no comment on this particular decision by Thakur Devi Dass or by others with them.

Now, what is it, that you find, I will take you first to Thakur Devi Dass's report, on four items which clause 2 and clause 3 of the accord and not being much, but tell you that Thakur also is a very keen student of law and particularly in constitutional law. And He writes, the process of review in respect of these laws has to be continues process one and has to be related to the situation in the State might be faced with hased from time to time, what are we doing now? His co-member Sh. G. M. Shah writes abouts the same matter, a question has been posed by my learned brother commenting by Mr. Thakur's Report. As to whether we have any model, constitutional or political basis to over step the accord of 1975. In answer to this question we have given a look back upon the pages of history which will reveal the settlement arrived at 1952 has been over

stepped unilaterally by the centre, what are we doing, we are trying to undue these steps taken unilaterally for doing away with the agreement of 1952. The work they do did was incomplete. The work they could not pursue because of there divergence, three members of the Committee gave three different reports, listen to the third report i.e. Sh. G. N. Kochak just word from his report also we show that nothing was concluded, they could not agree so no action could be taken and I am sure, 100% sure and repeat with full sense of authority that as soon as De. Farooq Abdullah took over as Chief Minister of J&K State after the sad demise the of Sheikh Mohammad Abdullah, one of the first thing he did was to reconstitute this Committee. But before that

committee could conclude its deliberations on 2nd of July, 1984 about which my Ansari friend told some thing day before, when we went back to power in 1986 the only documents missing in the Civil Secretariat Srinagar was these three reports and we had to beg it from the Home Ministry of Govt. of India to give us copies of these reports and the same three copies are in my possession. I reveal it for the first time they re from the Home Ministry of Govt. of India which were procured through the good offices of Dr. Karan Singh otherwise, they were not going to give us also, all these laws therefore require a total review, first because of, I will give you the reasons, first because they deal with matters not directly specified nor capable of being shown to any resemblance with those directly specified and second also for the reasons that some of them do not bear any relevance to the condition prevailing in the State of K&K. I can tell you with full sence of responsibility that these matters never came up for a decision because all the three members desented with each other. They never agreed with each another. I know what you are depending upon, you are depending upon a column in a newspaper published in November, 1975, you have the pleasure of feeling that Sheikh Sahib was against it but I can assure that he was not against it. So this is one aspect I wanted to seek your consent and that is known for shortage of time there was move to the recommendations made. What are we being faulted for. I wanted I wish I have a time. I collected all the editorials that have been written about this autonomy report and the wondefull display of very acute and keen imaginative powers of our editorial lords all over the country who see in the autonomous report "Danger to Kashmir" who even admonish Govt. of India, it is better, you sacrifice the family, the family of Sheikh Mohammad Abdullah to save the people of Kashmir, the wonderful thing all the seven editorials that we know we are living in a country where there is total freedom of press. But to my friends in the press I will only tell them one thing, the way you want me to be bound by the letter and spirit of the Constitution should also mean that you will also bind yourself by letter and spirit of the Constitution of India. And if you read your own editorials after a month you will certainly feel surprised, have I really written it, an editorial written in anger, editorial written with total bias, editorial written now and there is historical parlour to the editorials that you are doing these days, Historical parlour you can find in the editorial written on the eve of 9th August, 1953. I know the editorials of Hindustan Times of these days I know the editorials of India Express of those days. I know the editorials of Indian Express of those days and you know

editorials of Indian Express, the titles of the editorials these days. Kashmir is very major issue today, Kashmir may have been in a fancy dam. I can only tell them be happy today remain in what you say but do not temper with the psyche of people of Kashmir you have damaged once, you have damaged twice, Kashmir was a singular State where the ruling Prime Minister was arrested after 1947 for the first time. Kashmir was a first singular State which despite the mandate of Constitution could be ruled through President's rule for eight long years. And I can assure you gentlemen if you will agree with me that all that has happened should not have happened but we cannot take to cudgels now. We are as good citizens of India like those who were the authors of those things but let us not forget that we should be sincere to the facts. Now the usual things said about us is that we are against Supreme Court and I am sure that my friends do not read the recommendations at all. We are against the complete reconstitution of the State for proper powers of the legislature. We have the powers of our High Court. You cannot accept to have a State without a powerful judiciary. Now you give me power to appoint judges, you give me powers to legislate about their salaries, you give me power to seek transfer of judges through President, but you do not give me powers to throw a judge out for misconduct, only provision in the Kashmir's Constitution which the friends in the congress find necessary to change the section about the impeachment you just imagine and our experience has taught us that we were correct and those who authorized the change had one case entered the parliament, three judges of Supreme Court found the judge guilty of misconduct, three judges gave a report that this Hon'ble judge has misconducted himself, the matter went to Parliament but you see absolute majority of congress did not want to happen it and it did not happen. Is that the way we deal with judiciary. Is that the way for us to talk that there should be no political interference. Whether the judgment of three judges of the Supreme Court is negative, only because of political interference and if Kashmir M A Muneer and responsible Sharma is, what is wrong with you why don't you understand why are you disturbing us. This is one aspect, come to elections. You are the authors of Representation of peoples Act, 1957. Now I will come straight way to the recommendations. You are the authors of Representation of Peoples Act, 1957. Who should administer the law that you make,

Should seek Clinton to administer the law that I made and very responsibility..... (Interruptions.....)

Mr. Speaker: Please don't misinterpret Ashok Sharma Ji, what he said Please sit down.

Mr. P. . Handoo: Now the law is to be administered. Law made by me has got to be administered by State Authority. What is wrong with you, I am not asking for authority to administer the representation of People's Act dealing with the parliamentary elections. No, the Central Election Commission was doing that. I am not disturbing the jurisdiction of Central Election Commission or parliamentary Elections. That would have been interference with the National Authority. But you are asking for administering the law made by me. For Representing the Representation of People's Act, 1957 for elections in this Assembly by the authority created by our own Constitution. Remember, section 138 of the Constitution, so what is wrong. Was I ask Govt. of India, do I ask an authority to make natural law for myself which I do not have. The Third thing, if I choose these things, and collect all the comments----- (interruptions)-----.

Mr. Speaker: please don't interfere Haresh Dev Singh Ji develop tolerance also.

Mr. P. . Handoo: What you say today was said in America, in 1767. Sharma does not know history. This was said in America in 1767. Today American states have each a Supreme Court ----- (c Now the third important criticism against us is, you are taking undue funds. I will teach you a lesson on that you know I am the soul participant in all the elections since 1951. I am the only survivor now. I will tell you the whole story but I do not have the time. Just wait now. About the financial relationships, books have been written that Kashmir is irregular in finance. We are, may be, there is no doubt. Now show me a single Indian State where Comptroller & Auditor General has not shown excessive expenditure than budgeted. Where it has not been shown what they the irregularity. I have the privilege please listen --- ----- (interruptions)----- . I can assure you ----- (interruptions)-----.

Mr. Speaker: Mr Law minister please carry on. (Mr. Speaker) to the Hon`ble members, please be seated. It is not good, don't write any thing what he says. Mr. Law minister carry on.

Sh. P. . Handoo: on the financial relations what does the report say. What are you criticising interruptions----- . Now what are the recommendations we are making. Very innocently it is therefore recommended that the matter be discussed in depth between State representatives and the Union Government. What are you finding taking cudgels for. Do we say you hand over treasury to us. Do you say you have maintained an account register in this manner. We said there is sharing between the two. In 1952 you argued for 6hours with Mr Gopal Swami Ayanger there was no agreement and what was recorded was that we in future shall have discussions about the financial relationship. Then what you did in 1961,1963,1964,1965. I am sure if I relate that story my friend Sharma will get disturbed un-necessarily. In the interest of his health I am not disclosing that. Some of my friends on this side said that it is better we keep quiet in the interest of his health. But one thing is certain that the financial relationship was changed beyond recognition and what did we say in the State Autonomy Committee Report, it is still with us, discuss it in a manner so that we have harmonious relationship and to ensure only one thing speedy progress in Kashmir and speedy progress in the Country. How did you disturb it. Now one aspect of the point of reference which have been given to us which no one seems to be conscious of now one of the matters on which we have to say something state Autonomy committee has to say something, how to made the constitutional relationship between India and Kashmir inverbaly. Measures to make this relationship in verbal become a separatist's movement unless of course the English Dictionary changes it meaning then the words reach you. The second thing that we have to report is that how do we built this relationship to make its harmonious, now making relation harmonious does it disturb you. Should it disturb a patriot, should it disturb a citizen of Indian I am seeking your appreciation for the kind of things that we are doing for the country not for the party. We know the limitation of the ruling party, there is know doubt we are sympathetic for them, they have to eschew very important task for their nationals party manifesto for Kashmir because they want to rule India. We do not get an opportunity be why they have eschewed it you are our friends. If you read, bring the facts, we are not with you, we are away from you no one in Kashmir will accept.....interruptions please listen.....where to go. BJP is not my nationality. What to tell you where to go, I have to go in own country. Where to go. Now in view of the paucity of time, I will reserve this but it requires to be said something more

and ----- (interruption)----- since I am mover of a motion to which an amendment has been moved by three of my estimated colleagues. I have after thoughtful consideration found that there is much in what my colleagues have said in their amendments and blended the two motions together so by way of seeking not vote on the amendments and the amended motion in the original, I seek liberty with the permissions of the Hon'ble Speaker to whom I have given a small notice about it a substitute motion to be voted at the conclusion of the arguments in seek your permission to read it.

----- (interruption)-----

Mr. Speaker: you will receive it just now.

Mr. P. . Handoo, aw Minster : let me move first.

Mr. Speaker: et it be moved first, then you will receive the copy also. Have you read the procedure. You are making a noise un-necessarily. you will get the copy after moving the motion. What are you doing.

**Mr. P. . Handoo, Hon`ble aw Minster :** “ This House having discuss the report of the State Autonomy Committee placed on the Table of the Hon`ble House on 13th April,1999 records its approval of the same an its acceptance of the recommendations made therein and further demands of the Union Government and the Government of the Jammu & Kashmir to take positive and effective steps for implementation of the same. “

Shri Ghulam Mohi-Ud-Din Shah, Hon`ble Hopusing & Urban Development Minister : sir, I second it.

Mr. Speaker : Please be seated. et me read it. This will become property of the House once I read It. You please sit down.

Mr. Sheikh Abdul Rehman : Sir, please allow us to say something before you give your ruling.

Mr. Speaker : It is not a ruling. I am reading what motion he has moved. et any body say..... Sheikh Rehman Sahib please start.

Sheikh Abdul Rehman : Sir, for the last 5 days we are deliberating on this resolution along with amendments given by three Hon'ble Members. Now the resolution is at the passing stage, and this sort of proposal can not be incorporated at this stage, your honour can not grant permission for it.

Mr. Speaker : Please resume your seat. I will come to that he has sought my permission not because I have done something at the book of the House. But whatever decision I have taken is fortified/supported by the law and by the rules. If you want I will read one page of the book, there is no bar, this is called in legal terminology substitute motion. This is in legal terminology known as substitute motion. Please listen on. On the conclusion of the debate on the earlier motion because earlier motion says what is reproduced in the substitute motion this is not a new thing which they are placing before you.....please listen. You please read the rules book and do not make unnecessary noise. The only item on the agenda of the House for this particular Session is Autonomy Report framed by the Committee constituted by the Government. So in that background they have given a substitute motion to be taken into consideration by consolidating what the amendments say, it is not new.....interruptions.....

Sheikh Abdul Rehman : Sir, we have debated on it for the last 4-5 days.

Mr. Speaker : There is no problem in this. The original motion accompanied by the amendments that has been given by three Hon'ble Members. Now, is a substitute motion from the Hon'ble Law & Parliamentary Affairs Minister for the two motions moved on 8th of April, 2000 along with the amendments moved thereto by Hon'ble Mr. Sadiq Ali, Mr. Mohammad Shafi Bhat and Mr. G. M. Bhawan.

“ This House having discussed the report of the State Autonomy Committee placed on the Table of this Hon'ble House on 13th of April, 1999 records its approval of the same and its acceptance of recommendations made therein and further demands of the Union Government and the Government of Jammu and Kashmir to take positive and effective steps for implementation of the same .”

The motion is before the House.

Mr. Speaker : Sheikh Abdul Rehman , you may start your speech.

Sheikh Abdul Rehman : Mr. Speaker Sir, the issue discussed in the House has generated some heat and I would like to express my view point on certain issues briefly. The issue has basically started in 1947 and the problems which the people of our state are facing at present are the creation of Rawal Pindi and Delhi Governments, and it is the creation of these two Countries. Briefly, I may say that had Maharaja Hari Singh exercised his powers and taken a decision of Independence before 15th August, then the situation would have been different. He made a stand-still agreement with both the countries whether to save his throne or for the benefit of the people of the state. I do not want to discuss the issue but I would like to say that to maintain the independence character of the state, he had enclosed the acceptance of stand-still agreement by Pakistan in the instrument of accession. On one side Pakistan accepted the stand-still agreement but on the other they stopped the supplies to the State which was coming through Sialkote and Rawal pindi. They not only stopped the supplies but sent armed guerrillas to our state and the Maharaja was compelled to request the Government of India for help. It was in this context that before completion of necessary formalities for accession, the Government of India could not dispatch its armed forces to the State. The Maharaja thus compelled to sign the instrument of accession but he made it clear that it was for only three items. Lord Mountbatten who was the Governor General of India at that time, imposed a condition that a final decision will have to be made by the people of the State. This issue was made complicated by Pakistan and Lord Mountbatten and the people of our State have been victimized for the last 50 years. In these circumstances, we must rise above the party politics and take such a decision which will end the blood-shed in the State and the people may feel secure so that our posterity will also be safe. But we have deviated from raising the relevant issues. My point as member of BSP is that the J&K State has acceded to India and there should be no change whatsoever on this issue. I think the report also says that there is no mention of separation.

My second point is that indications are appearing from the Home Minister of India that the State is going to be divided in three regions. My party's point of view is that they will start Country wide agitation if such a move is started. We are totally against it and it is not acceptable to us. My point is that there is no doubt about it that Pakistan's intention was to grab Kashmir. The people of the State need great appreciation that despite sending Armed Guerrillas in 1947 and 1965, the people did not cooperate with them, even in 1971, they were strongly challenged by our people. Now in 1988-89, they again sent Armed infiltrators. But only a few people joined them. It is true foreign mercenaries have also been sent here and it shows that due to our mistakes, some people have joined them. However, we accept our mistakes. The manner in which State Government was functioning, increase in unemployment, rampant corruption and ever increasing problems of the people have also provided a sort of boost to the present day crises. The manner in which the Delhi Govt. backed out from its commitments and the way the ruling party indulged in rampant corruption also added fuel to the fire. Today to harp on tone that the Pakistan and foreigners are infiltrating into our State. I do not agree to it. No doubt, Pakistan is behind it but discontentment in the State has been created during the last 45 years for which a number of people are responsible. Today we have to accept our follies done either by the Central or the State Government and take necessary steps to create confidence among the people. We have to take such steps in our political system that under the federal set up, whether State should be granted more powers or not because India is a Union of States as enshrined in Article-1 of the Constitution of India. When we accept the creation of a State then provide it more powers which should not be taken away whether it may be J&K, Tamil Nadu or Punjab. On one hand the Govt. of India accepts the Union of States but on the other when they are demanding more powers, from the Govt. of India, they centralize it. The state Govt. has to plead for petty issues with the Central Govt. This system is going to destroy the very basis of the Country. The Hon'ble Law Minister and Other friends have quoted the example of two Super powers Russia and America. In America, under their Constitution, the State have powers and they have administrative units under their control with powers. The Governor is an elected representative and not nominated by the President as is vogue in our Country. In real sense it is a true democracy. Despite the State having full powers, America is a strong Country and no

body there talks of accession or cession. The Russian federation was also functioning on the same pattern. But when Central Govt. tried to unite them by force, the Country disintegrated. So the States cannot be put together by force. We must develop and have confidence in one another that is the guarantee of a federal set up. A Country which has diverse topography, culture and climate to keep it united and strong can only be guaranteed in a federal system. Today we hear demands being raised by various States, like Punjab, Tamil Nadu etc. that more powers be granted to them. In our State, after the signing of the stand-still agreement by the Maharaja after 15th August, he was compelled to sign the Instrument of Accession on 26th October. The developments which took place later on and the promises made by the Central Government were not honoured. We have objections on this issue but at the same time we must remember that these matters cannot be solved through confrontation. These can be resolved through dialogue and mutual understanding. So the Central-State Govt. and all parties should treat it as National issue. It is not a question of seeking votes and the conception created among the masses is that the Autonomy Report has been brought in order to increase the vote bank of the ruling party in order to hide..... its failures. The BJP which is the biggest constituent of the ruling front has also opposed it in order to strengthen its vote bank. There are allegations that both these parties are in connivance, so that they can increase their vote bank.

.....interruptions.....

Mr. Speaker sir, the Autonomy Report was presented to the House in the month of April, 2000 and for the last two months, there was no hue and cry about it but when discussion was started, the media and those political parties which have no basis started raising objections against it. I do not want to name these parties. But we must create a consensus on the issue. Today the issue has created such a situation that people of leh have rejected it. This may not find favour with them, they have every right to put forth their view points. But leh does not mean the whole Ladakh, there are also other areas like Nobra, Kargil, Zaskar and Drass. If we obtain the overall view from all the people of these areas, the position would be different, so, we must not give it undue importance.

Demonstrations are being held in Jammu City but the Jammu Province comprises Rajouri, Poonch, Udhampur and Doda Districts etc. They are not supporting these demonstrations. All this seems to be on the indication from Delhi so that the situation gets deteriorated. We must not give any undue importance to these demonstrations. This House is a sovereign body and I want to make it clear that about the report I may say with reservation that intention of the Govt. is to get more powers from the Central agency. But regions and the districts also demand more, or plead for decentralization, but the report does not indicate perfectly any such thing. No doubt, a Regional Autonomy Report has been prepared and I don't know what steps are being taken by the Govt. set up by Delhi along with a set of bureaucrats to rule over here and we are not going to support such a report. Decentralization in real terms means to grant more powers to the people and its elected representatives. After the State, there are Sub-regions, districts, blocks and then panchayats. These institutions also need to be given more powers only then obtaining of more powers from the Center, will bear the fruit. If some powers are granted to the State, the bureaucracy as well as some politicians will take undue advantage of it and then there will be no use of the autonomy, our support is only to that extent. Regarding the powers which are being provided to the Panchayats, my submission is that a provision for nomination of 33% be provided to woman and weaker section in it. This must be followed in letter and spirit in order to nurture the democracy at the grass root level, otherwise it is waste of time to discuss this Report and only to create misunderstandings in the House. Our support to the Autonomy Report is to the extent that the powers will have to be decentralized upto Panchayat level. So far as the question of extension of Central laws to our state which not only acceded to India. The other erstwhile states which not only accede to India but merged with it. So they do not have their separate Constitution, but our State was empowered to frame its own Constitution. Voices are being raised that if autonomy is granted, the Country will disintegrate and other States will follow suit. States like Tamil Nadu, Gujarat, Maharashtra and Madhya Pradesh did not demand for a separate Constitution at that time. They knew the legal formalities and its background in this behalf. We are operating Ranbir Penal Code here whereas in the Country Indian Penal Code is being followed. No demand has been raised from any quarter that Indian Penal Code be enforced here because our Penal

Code is smoothly followed here and it has proven beneficial in certain respects, for example there is a ban on cow slaughter from Maharajas time and is punishable. This is not applicable in other States of our Country. Our state is an only exception in this behalf with a majority of population belonging to other community. It was enforced with the intention that the sentiments of the minority may not be hurt. If such types of laws which can benefit the State, maintain its integrity and ensure its progress and prosperity, are not being passed by the State Assembly then what is the purpose of constituting this Assembly, it must have adequate law making powers. Before I conclude, I would like to make a mention of two or three points more. Firstly, we observe that conflicting statements are coming from the Central as well as State Ruling Parties. I am not supporting or opposing them. But I may say that on one hand Union Home Ministry says in London that we are examining the Autonomy Report and see to what extent we can accept it. But his party associates in the State term it as succession and treason. I do not think they have any coordination on this issue..... Interruptions.....

When we talk of regional autonomy, they support us. But when we talk of Hill Development Council for Doda, they oppose us. My submission is that we must have broad vision and should not think in terms of regionalism or otherwise. We must work for the betterment of all the regions so that weaker section of the society get their due share. In the Autonomy Report, it has rightly mentioned that J&K State must have powers to make amendments in its Constitution about weaker sections..... interruptions..... Sir, my submission is that 43 years have passed since the State Constitution was enforced, but for Weaker Sections, Scheduled Castes, Scheduled Tribes and other Backward Classes, we have not brought any constitutional amendments. It shows our intentions interruptions

Now I am pleased to say that the committee has made certain suggestions in its report for backward classes and sections of the society. If the Govt. is going to implement these suggestions, our party will fully support it. So far as jurisdiction of Election Commission and Supreme Court is concerned, I may say that many poor people do not have any access to file suits in the Supreme Court so I don't think they serve us any far-reaching purpose. About Election Commission, my submission is that it was alleged only 5% votes were cast here, irregularities were committed and votes were cast on the instructions of Sh. Deve Gowda, if these are the allegations then the Union Election Commission also gets involved and how much faith

can we have in this Commission. Our aim is that democratic rights of the people be restored at any cost. The Central Govt. provides us financial assistance and had we our own resources, then we could also thrive like other states but we are getting alms from the Central Govt. and I don't think there is any wrong in having the jurisdiction of Comptroller and Audit General. I think to raise such a demand is not proper because we do not have our own financial resources, we are not self-sufficient in power despite having 15,000 mv power potential, Tourism was our biggest source but that too has depleted and we do not have industrial growth including mining and meteorology. So long as we get grants from the Center, the jurisdiction of Comptroller and Audit General is necessary and we must not make a political issue of it.

Before I conclude, I would like to quote a verse:-

یہ دستور زبان بندی کیا ہے تیری محفل میں
یہاں تو بات کرنے کو ترستی ہے زباں میری

Mr. Speaker: Sheikh Sahib you have spoken for 25 minutes. If this is the "Zubaan Bandi" then what is open.....?

Now Sh. Tara Chand Ji will speak.

Shri Tara Chand: Sir, for the last several days discussion on the Autonomy Report is going on in the House and most of my friends whether belonging to opposition or the ruling party, have their lengthy speeches favoured as well as apposed it. Most of the speeches are made in such a way which tried to create a wedge in the integrity and secular character of India. The Indian Constitution was given to the people by the Congress Party and it provides freedom to speech and religion to everyone. An individual is free to profess his religion, he is not barred to visit his place of worship whether it is Temple, Mosque, Gurdwara or Church.

My friends may have perhaps forgotten that our neighbor who become a tool of American conspiracy, has all along opposed us. You see all the those Prime Ministers who were elected there with thumping majority, were imprisoned by Military Junta. But this has never happened in our Country. Some parties with no programmes other than communal tendencies are trying to divide this County on religious and regional basis, but Congress will never allow such acts. Sir, most of the members from BJP Ruling Party and BSP have targeted the Congress Party

for the present situation in the country. For the information of my friends the Congress Party has its own history and after a great struggle lasting over sixty years gap, in the country free from the British Rule. The Congress provided very efficient and good Governments to the Country. Every State was provided its due share in the matter of development. But you are now raising fingers for nothing. I want to remind you that people in thousands had lost their lives in freedom struggle and the Congress Party was not given due credit for it. But Mahatama Gandhi was assassinated by Nathu Ram Godse. He was not a Pakistani but he was an Indian. Smt. Indira Gandhi wanted to see the Country united and did not want to see its disintegration. So she was not spared and sixteen bullets were pumped into her chest. Not only this Rajiv Gandhi and Sanjay Gandhi too were not spared. Allegations were leveled against the Congress Party for erosion of J&K State Autonomy as well as its Constitution. You must not forget it that Gandhi Ji had also said that if there is any ray of hope of secularism in Kashmir that is through Sheikh Mohd Abdullah and that is the reason, the Congress Party was not constituted in the State and Gandhi Ji had also said that Sheikh Sahib's Party will work on behalf of Congress Party. He was made Head of the State. But the circumstances in which he was imprisoned are not clear. The Governments which were formed after that were all elected Governments. The decision taken by them were with majority vote. They brought that by changing the nomenclature of Prime Minister to Chief Minister and Sadar-e-Riyasat to Governor will not make any difference. They also thought that by extending the jurisdiction of Supreme Court to this State will provide more justice to the people. My contention is that it was done by a duly elected Government and why Congress Party alone is blamed. My another submission is that when Indira-Sheikh accord was signed in 1975, there was no member belonging to the National Conference and Congress supported it. Had Sheikh Sahib sought autonomy instead of strengthening Art.370, Smt. Indira Gandhi, who was an undisputed leader of India termed as "Durga" by Sh. Atal Bihari Vajpayee, would have granted the same to Sheikh Sahib. Sheikh Mohd Abdullah was also an undisputed leader of Kashmir so he did not press for the autonomy, today the position is that it had been made political issue by the BJP and National Conference leaders. But there is no question of give and take. In order to increase their vote bank, they are creating such an atmosphere so that Hindu population in Jammu and Muslim population in Kashmir get agitated. I want to tell my friends that Congress Party will never allow disintegration of the State on regional or religious basis.

Yesterday, the leader of the House said that the erosion process of Constitution, the Congress was also a party to it, but I would like to say that you do not have any clear cut policy. In 1931, you formed Muslim Conference, then National Conference and after that Plebiscite Front. Afterwards in the year 1975, you again formed National Conference. As against this, the congress which was formed 120 years back, is same till today. I would like to remind you that before raising a finger against anybody, you must not forget the past. Some senior members have said here that when someone does not get due justice, he becomes compelled to take up arms. Through your good self sir, I would like to inform the Hon'ble members that allegations are being leveled that Congress party created the Muslim United Front here. But they must remember that it was a coalition govt. here and an accord was signed between Rajiv Gandhi and Dr. Farooq Abdullah. This accord was signed because the popularity of National Conference in the state was quite low and the statement of Sagar sahib has no basis that Rajiv Gandhi came to Farooq Sahib with folded hands for the accord. At that time MUF was a dominant party all over Kashmir and your party was sensing dangers on political front.

Your party since then been ruling over the state and you do not want that some other party should replace you. To save you govt. you are exploiting people on the regional and religious basis. Had you allowed free and fare elections, Geelani Sahib would not have become anti National. We along with shri Abdul Gani one, would have taken oath under the constitution. Similarly, Mr. Mohd. Yousuf Shah alias Salah-ud-Din of Hizb-ul-Mujahideen would not have taken up the arms.

I want to inform those members who raise fingers against the Congress, must remember that if there would have been no Congress, Nehru and Gandhi then the Country would not have achieved the Independence. The Situation would have been altogether different in the country as well as in the state.

It was alleged here that during the turmoil of last ten years, not a single Congress leader came to Kashmir. But I like to remind that when Pulwama village set ablaze. Sonia ji came here. She also visited Prankote to console the bereaved families and sufferers. Sagar sahib alleged that Indian Govt. is encouraging its agents to impose its decisions here. I do not agree with him because everyone has a right to speak under the Constitution .Mr. Mohd. Shafi.

Qureshi was the Governor in 4 States .He has also been a Minister in the Union Cabinet. He is our leader and not a paid agent. He has risen to these high ranking offices due to his ability and you cannot level wild allegation against him. Hon'ble Speaker sir, I would like to submit to Dr. Farooq Sahib that we are passing thorough a crucial phase interruption.....our State is burning and whatever is happing in the House, is watched by everyone. More than seventy thousand people have lost their lives in the turmoil and instead of improving this situation, you are taking of Autonomy. We have put forth our point of view but so far as saying to set on fire the Constitution of India is concerned, it will not be tolerated at any cost. Some people are being provoked to make statements in order to divide the Country. My submission that a serious notices be taken of it. With this my submission to Dr. Farooq Sahib is that-----interruptions-----

Mr. Speaker: Mr. Bali Bhagat please resume your seat.

Shri Tara Chand : Sir, it would have been better and the ruling party placed before the House its manifesto for discussion. I would like to ask Mian Altaf Sahib whether honesty the Gujjars of Jammu and Kashmir demand Autonomy -----interruption----whether Backward Classes and Scheduled Castes in the State demand autonomy? Whether the ruling party has ascertained the views from the people of Jammu and Kashmir. It would have been very appropriate and Dr. Farooq Sahib called an all party meeting for putting an end to the present blood shed. Only then a solution could have been found out, with these words, I conclude my speech.

Thank you.

Mr.Speaker: Shri Shiv Charan Gupta Ji.

Shri Shiv Charan Gupta: Sir, the discussion on Autonomy report is going on in the House for the last six days. Sir, I am at a loss to understand the part being played by the ruling party. On one hand they are a constituent of NDA at the centre and on the other they are opposing the minster-----interruption-----

Mr. speaker: please don't make undue interference .Do not disturb the Hon'ble member.

Shri Shiv Charan Gupta: Sir, after hearing the speeches of Shah Sahib, Sagar Sahib, Dr. Mustafa Sahib, and the grandson of Maharaja Bahadur Mr. Ajat Shatru Singh, I want to make it clear

to them that we must bear this thing in mind that our every movement is watched by the World. Anything adverse is bound to affect our state as well as our Country.

Sir, so many suggestions were made and allegations were levelled here, Dr. Sahib blamed Security Forces for increase in militancy. He also alleged that the Security Forces are committing excesses, although he was interrupted by the leader, of the House that he should not have said like that. In this regard, I would like to say that all the ministers sitting here, are being provided Security cover in and outside residences. Despite this, you are levelling allegations against those who lay down their lives in encounters. Their sacrifices cannot be ignored. They have come from different parts of the Country for maintaining the territorial integrity of State. You have never appreciated their role after all they are also sons of this soil.

Your reference about the role of Brigadier Rajinder Singh is fully appreciable because you made it known to the Kashmiris that it was Brigadier Rajinder Singh who stooped the armed tribesmen for four days at the cost of his life and saved Kashmir at that time. Master Sherwani was murdered before this at Baramulla. My contention in this regard is that you cannot change the history of the State. My request to Shah Sahib is that if you don't have a soft corner for the Security Forces, please do not point fingers against them. These forces have also suffered casualties and whenever I see their parents I become very sentimental. Please think for whom they have and are sacrificing their lives and to say that they are committing excesses does not suit you. It has come to our notice that when any militant is apprehended, telephones are coming from the Ministers that he be released. I do not want to name any Minister. The authorities of forces are threatened that if the militant is not released, a case under 302 would be filed against these authorities. My submission is that when such political interferences are going to take place, how can militancy be stopped. There are such persons in the Administration who have soft corner for the militants and they are bent upon destroying the stability of the State. Dr. Farooq Abdullah is not only gentleman but a true Indian too we cannot doubt his integrity, but the Ministers belonging to his party should also follow his foot steps.

Mr. Speaker: ala Ji; are we not gentlemen?

Shri Siv Charan Gupta: Sir, I was submitting that if against Pakistan..... Interruptions..... Whether it is UNO, Delhi or J&K State, Dr. Farooq Abdullah strongly criticizes Pakistan. There are other Ministers also in the Cabinet interruptions..... they don't criticize Pakistan.....interruptions..... Sir, I was submitting that for the last 50 years Pakistan has waged a war against us in order to destroy our State. Today, the colleagues of Dr. Farooq Sahib, who are present here, should also raise their voices against Pakistan but they are silent and I do not know the reasons behind it. They are not opposing the activities of ISI. Plebiscite Front even. This means that they have some soft corner. Only two three Ministers have spoken against the terrorist activities in Pakistan while rest have chosen to remain silent Interruptions Sir, I may submit that when a leader of the House is fighting against the terrorism, his colleagues must fully co-operate with him on every front. As against this, I do not find name of any Minister in the newspapers who has criticized Pakistan for its militant activities.

Now coming to 1947 position, I would like to submit that when armed tribesmen attacked the State, so many voices were raised in the State. Sir, I do not want to go into the past happenings because the grandson of Dr. Karan Singh has said here that Dr. Sahib wants to remain independent. I want to inform Ajat Shatru Singh that when Maharaja Hari Singh entered into Stand still agreement, with that two dominions.....

Mr. Speaker: ala Ji ! Please resume your seat for a minute Ajat Shatru Sahib ! please speak

Shri Ajat Shatru Singh: Sir, ala ji has mentioned "Grandson" of Dr. Karan Singh Ji in his speech. My submission in this behalf is that my son is yet an infant, God willing he will come to this House next time.

Shri Shiv Charan Gupta: Sir, Grandson of Maharaja Hari Singh. I was submitting that when armed Tribesmen attacked Kashmir, the fate of the Punjab State was not decided so as to work out which of the areas will form part of Pakistan and India. The Redclief Commission was constituted in this regard. The Maharaja of Kashmir before 15th August 1947, entered into a stand-still agreement and after 15th August, we were not expecting that Gurdaspur district will form part of India. With this development we thought that we can

have contact with India via this district. The Maharaja did not impose any conditions.....interruptions..... The people of the State became free and practically wanted to remain with India. My friends sitting here, may forgive me and listen calmly. When Maharaja acceded to India, the Indian Prime Minister termed it as conditional and said that we must obtain people's mandate on this through Plebiscite. The condition of Plebiscite was imposed by Pt. Nehru. Neither Maharaja nor Sheikh Mohd Abdullah put this demand interruptions..... Sir, at that time , all other States of the dominion were merged with Indian union. Our state was the only exception placed under the charge of Pt. Nehru. You may recall when Kashmir was attacked.....interruptions..... we knocked the doors of United Nations Organizations. The another blunder we committed was the unilateral ceasefire. Lord Mount-batten delayed the accession process for 2 to 3 days there by giving enough opportunity to Pakistan to invade in desperate situation and sent its forces to save Kashmir. The positive and constructive role played to Sheikh Mohd. Abdullah can not be ignored by anyone.

Voices are being raise here about Art.370 as I have already said yesterday that this provision is temporary. You may recall that Pt. Nehru had said that this article will fade from the statute book with the passage of time interruptions..... If my statement about Pt. Nehru will not be correct, I will resign from membership. Why Pt. Nehru made such a statement I do not know.

My submission to Dr. Farooq Abdullah Sahib is that if you don't want jurisdiction of Supreme Court, Election Commission and Comptroller and Auditor General, then what was the basis for providing 75 Assembly seats by the Constituent Assembly. How Jammu division was provided 30 and Kashmir 45 Assembly seats and what was the population rationale behind it. The voters in Assembly constituencies of Kashmir Province had voter strength ranging from 25 to 40 thousand whereas in Jammu Province it was from 50 to 60 thousand which means that due justice in this case was not provided to us. Had supreme Court of India its jurisdiction here we would have challenged this issue. Our province deserved more seats on the basis of its population which was not done. When elections for Sadar-e-Riyasat were being held, an agitation was launched and Dr. Shama Prasad Mukherjee came here with the slogan "Ek Nishan, Ek Pradhan Aur Ek Vidhan" he was arrested at akhanpur and put behind the bars. In Parliament he was opposition leader with three MP's.

Whether he was assassinated or he died a natural death is still mystery. Neither Prime Minister of India nor the Prime Minister of the State made any comments on this. The Prime Minister of India had written a letter stating that an enquiry would be conducted into the matter. But the jurisdiction of Supreme Court was not applicable to our State that time, if an enquiry would have been conducted at that time, the facts would have come to the light. Today we see if anybody, is shot down, an enquiry is immediately ordered into. The Chief Minister of Bengal had also written to Pt. Nehru requesting for an investigation. I would like to know from Dr. Farooq Sahib that what were the circumstances in which Shama Prasad Mukherjee died.

If we are pleading for the integrity of the Country in real sense, then why my friends are speaking loudly in other terms. Sir I had brought Lok Pal Bill in the House in order to provide neat and clean administration to the people. But the Bill was rejected. I may inform the House that Corruption is rampant in every ministry in appointments and transfers interruptions.....

Shri Ali Mohd. Sagar, Works Minister: Mr. Speaker Sir, if the Hon'ble Member will quote any such example about my ministry, I will resign.

Mr. Speaker: Sir, you are not only a party leader but an experienced member as well. I have so many times requested you that whenever you level an allegation, it must be based on facts. As a Speaker, I assure you that I will get the matter investigated from the highest quarter and fairly in a transparent manner. But to level allegations is neither proper for you nor for us. This provides un-necessary material to the media for which they are hunting.

Shri Shiv Charan Gupta: Sir, whatever I have said, I have stated it with full confidence. The ministry of the Hon'ble Minister is also involved. Today if we take up investigation of a case, we find so many irregularities. Promotions have not been given to deserving persons. Our committee had recommended action against corrupt practices of Chief Engineer instead he has been promoted as Commissioner/Secretary despite the fact that we have provided a written list of allegations against him. If you want peace and tranquility in the State then you have to set these things right. The State cannot afford to remain without the jurisdiction of Supreme Court because people may not get due justice. Then you cannot even ignore the

role of Election Commission of India and the Auditor General for the State. All these institutions must have the jurisdiction here..... Interruptions..... My submission to Dr. Farooq Sahib is that for providing justice and fair elections in our State, we need jurisdiction if Supreme Court and the Election Commission. Today, under the guise of Article 370 & Autonomy, you are going to abolish their authority. We will not allow you to do it. I want to make it clear that you must not think otherwise about the statement of Mr. Advani. People here want justice. You have made thousands of fresh appointments but ignored Jammu. During the last two years 1,25,000 fresh appointments were made, what was the representation given to Jammu out of it Interruptions..... I want to say that when the people of Jammu and adakh will not get due justice, why they will support you. I want to remind Dr. Farooq Sahib that he had himself agreed that the ratio of employees in Civil Secretariat from Jammu is very less. May I know what steps have been taken to remove this disparity ? About 50 to 60 % posts in Jammu have been held by Kashmiris whereas none from Jammu is posted in Kashmir. How long this practice will continue, you have to look into this and constitute a Commission to remove such discrepancies. Therefore, I am against this Autonomy Report and the quantum of Autonomy granted to us so far is sufficient and we do not require any more.

Thanks.....

Mr. Speaker: Hon'ble leader of the House !

Dr. Farooq Abdullah: Chief Minister Mr. Speaker Sir, thank God the current session of the eg. Assembly is going to Conclude. I would to start my speech with the couplet :

آسمان ہوگا سحر کے نور سے آئینہ بوش
اور ظلمتِ رات کی خوابیدہ پاک ہو جائیگی

Insha Allah ! the beginning has been very positive. We had promised to the people about the same, when nobody including my party was prepared to fight elections here. However I can not say about others:-

اکیلا ہی چلا تھا جانب منزل
لوگ آتے گئے اور کارواں بنتا گیا

This State has experienced tremendous destructions and I don't want to waste time of the House by going these details. I do remember when America Ambassador visited Kashmir, he met a number of people including myself and his words are still fresh in my mind. He said "Farooq the people here are doing towards destruction, please make efforts to save them" His words were :-

"Window of opportunity is opening. Don't look at the size of window. This very window will become a door and it will become a house."

Honestly speaking I consulted party colleagues, they were not prepared and said how can we face the people. They also asked whether they are going to form a Govt. on the corpses of those who have lost their lives. I requested them that we are not going that way but we must make efforts to save the State from further destruction and leave the decision with the public.

I remember that when I visited Handwara along with Mr. Chowdhary, the people there were frightened with fear that if they shake hands with Dr. Farooq Abdullah, the kind liberator will finish him along with his family. Still when I entered a shop and after shaking hands with the shopkeeper, I said please forgive me God may protect you. I control my emotions and bade him good bye. They were afraid to such an extent that they could not believe India Army or Kashmir Police would save them. They had a fear psychosis that the foreign mercenaries, who were hiding in mountains, forest and in residential places, will finish all these families. The Central Government promised that Autonomy of the State will be restored but first of all show us whether people support is with you. We did not make false promises to the people that they will be provided employment, roads, electricity etc. as is often done by the political leaders. We have also seen during the election period in the past pipe-lines used to be laid, coal tar drums were stocked on roads but after election all these items vanished during night because nobody raised any voice, on the other hand. We did not make any such promises but said that we will try to bring back the State on rails. I cannot make any promises because know whether I can fulfill them or not. Rest every thing is up to this Almighty God, I can honestly say that those who have voted in our favour have put their lives at great risk. There were posters in Mosques and on the Electric Poles that whosoever takes part in the elections will be eliminated. The people must pay tributes to those who have carried tricolor in their hands by participating in the Elections and putting their families in great risks. If I had permission,

I could show the photographs taken by the media people during these elections. I will not go into the past history about accession or tribal invasion but would like to make some issues clear. We have not created this problem. This all is due to non-fulfillment of promises made by the Central Government. They have number of times mentioned in the UNO that we accept the accession but final decision will be taken by the people of Jammu & Kashmir. This is on record in the UNO proceedings. Pt. Jawahar al Nehru had repeatedly said it. The External Affairs Minister has also said this is in the World Body. When Sheikh Mohd. Abdullah requested Pt. Nehru that a final decision must be taken, he said no, the final decision will be taken by the people and they will decide it. You are leveling allegations that we are not Indians. I want to inform you that when Sheikh Sahib went to Gulmarg, a personal guest of Pt. Nehru Mr. Adlie Stephson had came to India and Pt. Nehru telephoned Sheikh Sahib that the guest is visiting your State, he may be treated with due courtesy during his stay. It was not a jet age during those days and only dekotah aeroplanes were flying and it was very difficult to fly over Banihal pass in absence of radar system in adverse weather. Today this is not the situation aeroplanes can fly in any weather when Adlie Stephson came here, he met Sheikh Sahib on dinner, they had some conversation and Sheikh Sahib might have also replied to it. When Stephson Sahib was about to leave, at the Airport it was announced that the weather at Banihal pass was unfair and the plane cannot take off. Sheikh Sahib was telephoned that it may take some hours till the weather conditions improves. Sheikh Sahib in turn told them that Mr. Stephson be brought back from the Airport and we will have a cup of tea till the weather improves. This was his second meeting with Sheikh Sahib and allegations leveled that definitely Sheikh Sahib has entered into an agreement with America. Not only this, when Sheikh Sahib visited Egypt and Algeria the Chinese Prime Minister was already on visit to Algeria. The Algerian President requested Sheikh Sahib that Chinese Prime Minister has expressed his desire to have a formal chat with you. Sheikh Sahib willingly accepted the offer. The then Ambassador of India also participated in the meeting. This meeting could have materialized without Indian Ambassador. It could have been objectionable had this meeting held secretly and only then you could have leveled allegations that Sheikh Sahib had entered into an agreement with China.

All these allegations provided the Govt. of India a ground for arresting Sheikh Sahib. When he visited Saudi Arabia for performing

Haj, the Govt. Of India impounded his passport. I want to inform the House that when this action was taken by the Government of India, King Faisal of Saudi Arabia offered citizenship to Sheikh Sahib and told him that "you are at liberty to carry on your mission here." But Sheikh Sahib declined the offer by saying that "I am not a man who will escape from my responsibilities instead of staying here, I will prefer to return to my Country and remove all those apprehensions.".....cheers.....Sheikh Sahib then conveyed the date of his departure to the Indian Ambassador and on landing in India he was arrested and detained in South India. I want to enquire from my friends here that was the outcome of spending crores of rupees on Kashmir conspiracy case which was withdrawn later on. Had Sheikh Mohammad Abdullah conspired with America or Pakistan then he should have been put behind bars and not set free. Later on Pt. Jawahar Lal Nehru called Sheikh Sahib and I also accompanied him. I stayed at Teen Murti (Prime Ministers House) for three weeks. Jawahar Lal He used held talks with Sheikh Sahib in the open under a tree where Jawhar might be having some microphone so he talked to him in the open. During those days there was no problem of security, Jawahar Lal Jee used only small Mors Wagon which was followed by another small car and a motorcycle in the front. This was the security of a Prime Minister. One day while having chart on Dinner Table he told sheikh Sahib that your are going for prayers at 4.00 A.M and return late in the night. Our security personnel have to perform a difficult job, cannot you perform Nimaz at residence. All this was happening in cordial atmosphere. Sheikh Sahib used to meet various leaders in order to explain them our stand. I asked my father that you are explaining your stand to them but they do not understand it despite your persistent efforts. Sheikh Sahib replied that my mission is to explain them our stand and is for them to decide. When a proposal for talks came from Marshal Ayub Khan to Pt. Nehru. He, after cabinet approval, deputed Sheikh Sahib to Pakistan and I also accompanied him. Everybody at that time was expecting that Sheikh Sahib's mission would not be successful and Marshal Ayub Khan will not accept any proposals. But due to God's grace, the suggestions were accepted and it was decided that Mr. Ayub Khan would meet Pt. Nehru on 2nd June. Accordingly Sheikh Sahib telephoned Pt. Nehru about the development from Guest House and he fully agreed to it. Everybody here and in Delhi were astonished as to how this happened. This was our effort to break the impass between the two countries which were going towards a destruction

in Pakistan Mr. Wali Khan came to see Sheikh Sahib and I was told by Sheikh Sahib to meet Badshah Khan. Prior to this, Mr. Ayub Khan told Sheikh Sahib that it will not be proper to meet Badshah Khan at this juncture and after completing the tour of Pakistan you can meet him. I was asked to meet Badsha Khan and Sheikh Sahib went to Muzaffar Abad in P.O.K. After meeting Badshah Khan I went to a Dam site where I heard that the sad demise of Pt. Jawahir al Nehru and everything was lost. After this efforts were made but did not bear any fruit. We thought threads will be taken up but were never taken up.

Another misconception which I went to clear here is about the said demise of Mr. Shyama Prasad Mukherjee. During those days Sheikh Sahib used to keep telephone in my room because he would come at midnight and used to have rest up to 4.00 A.M. At 4.00 A.M he was performing Nimaz. One day during late night hours telephone rang on the line it was Shri Shyam al Saraf, the Health Minister. He told me please handover the phone to Sheikh Sahib, it is very urgent. Honestly speaking, I was afraid of Sheikh Sahib because he would have been angry with me for disturbing him. However, I took the telephone to his room and he talked to Shri Shayam al Saraf, Sheikh Sahib said to him when he became ill ? After that I asked my father as to what has happened?. He told me that Mr. Shayama Prasad Mukherjee has expired. Nobody informed him about the illness of Dr. Mukherjee. I went to inform ala Shiv Charan Ji that Shayama Prasad Mukherjee had meals with Skeikh Sahib when he was a Minister, Sheikh sahib had great regard for Shayam al Prasad Mukherjee, and I again went to inform you that there may be political difference but sheikh sahib was very well aware about his human qualities. This all was due to Almighty and we were not involved in it.

You may be well aware that a couple of weeks back Mr. Rajesh Pilot died in a road accident. No matter there may be political differences but as a human being he was a nice man. He had such qualities that we were expecting him to rise to the post of Prime Minister, the allegation which has been leveled against my father and Kashmiri people was clarified a number of times even Pt. Jawahir al Nehru was also asked to constitute a Commission to look into it but that was not done. We are not responsible for it. Therefore, I request BJP party that for God's sake remove this misconception from your minds. I can clear my position, if, Sheikh Sahaib and Shyam al Saraf would have been alive, they could explain the whole position

before you. Still then I had tried my best in this regard. We did not conceal any fact to the people of Calcutta and they were well aware about the factual position.

So far as Autonomy in concerned we tried to educate the people about it in the Country. So many statements were given by the leaders in this regard. Mr. Arun Shouri has at the pitch of his voice, said that we are beggars. In this connection I want to tell them had they given us our rights during the last 50 years we not have been beggars but in a position to give alms to others. We are facing internal problems which have compelled us to seek assistance. During 1983 when we fought elections, you must read the statement of Arun Shouri about Kashmir, I am sorry to point out here that I was not aware of the fact that Arun Shouri was not only against Smt. Indira Gandhi but an active worker of RSS and BJP. Today he will write that "Where beggars will go after Autonomy"? We are not beggars we are asking for our rightful place and honour. Today what is happening here, 70,000 people have been killed, they were not beggars, they lost their lives for honour. You must remember that it is a habit of a Kashmiri to speak loudly. My wife also complains that whenever I talk to her she says your are speaking in such a manner as if we are fighting. I said to her that this very attitude has damaged us.

We do not went to any confrontation but went to resolve issues in a peaceful manner through talks. We are not Pakistanis. If you level such allegations against us then only God can save us. If all these members are Pakistanis, then India has no basis here and must leave. I went to inform you that please remove this doubt from your minds that we are Pakistanis but are true Indians and we have proved it when Islamic slogans were being raised from other side. Sheikh Mohammad Abdullah could have said "yes" to Mr. Jinnah, Sadiq Sahib and Bakshi Sahib were already in Lahore at that time. They could have joined hands with Pakistan easily and Farooq Abdullah would have become Prime Minister of Pakistant if not of India. Later on when Abbas sahib on his way to Islamabd from Lahore landed at Rawalpandi Airport, the Uncle of Moulana Farooq, Mr. Yousuf Shah embarrassed Sheikh Sahib with tears in his eyes. He told him that I had requested you not to leave but you had already left the State. He told him we had started a campaign against you in disturbing in processions and other meetings. To Abbas Sheikh in his Presidential Guest House, Sheikh Sahib sahib said , we you had left when I was in Jammu? I had requested you not le leave your birth place. The State belongs to

all of us why have you left and what is your plight today? By Almighty God, I may honestly inform you that the reply from them was that Sheikh Sahib we have committed a mistake. Now we hope that such a friendship may develop between India and Pakistan so that all those who have left their homes and hearths may unite. Only God knows what will be our date.

My learned friends who are sitting here have mentioned about the favours done by their well wishers of Delhi. One of their papers the "Hindu" had in his editorial mentioned that it was a wonderful law, perhaps it was mentioned from Seema Mustafa. Please pay my complements to her, she has mentioned that way we had joined hands with BJP. But I am at a loss to understand at to why she was perplexed, if we are supporting BJP. It is only for the betterment of the Country, they cannot make a India Hindu Rashtriya. I told them that India is secular Country and it belongs to all of us.

The situation created in adakh has become worse and they are opposing Autonomy. The Kashniri pundits who were forced to leave Kashmir by Central Government. As against this we are made accused for this episode and they too are opposing us. The Central Government is watching like a mute spectator.

The leaders of Jammu belonging to Congress and BJP are at logger heads with each other at present and are waiting for an opportunity. Both of them oppose Autonomy in order to get votes in the elections. Their only aim is to topple the Government of National Conference and they are not bothered about Autonomy aso it is not good for Hindus of Jammu, Buddhists of adakh, and SC and ST classes. The Gujjars are with National Conference. If you claim that all the Hindus and Gujjars are with you then why Abdul Rashid Kabli with only 10-12 persons holds meetings in security zones and opposes Autonomy. Please tell Mr. Kabli to move freely al Chowk only then I can agree. I can also have my meeting in my home and in security zones but I do not want to make it issue at this time. To Shri Harsh Dev Singh, I may inform him that I have great respect for his party leader Shri Bhim Singh. He is the man who can go alone whether he has any support or not. I remember when he was dragged out of my car at Assembly gate. How democracy was thrown into winds. I have seen the real picture of those leaders who claim to believe in democracy. They are making tall claims but I have seen how they dragged Speaker from his Chair.

I do not want such a democracy. Democracy in real sense means debates and discussion. It does not mean to divide Hindus and incite them to raise anti-Pakistan and pro-India slogans and win elections with absolute majority. I don't believe in such tactics and Allah may prevent me from such acts and we are not out of books. Our neighbor has not yet understood the meaning of democracy. We are believing in dialogue but he is talking of jihad. Please ask him what does he mean by Jihad and what is its real meaning. If you had not resorted to interruptions Maulana Sahib would have definitely said something about Jihad. But due to your interruptions the continuity of his speech got disturbed and he targeted Mr. Khajuria without any reason. So please have patience and try to listen. My Jaw Minister who is a Kashmiri also gets angry, initially he was very patient but when Mr. Sharma provoked him he was outraged and I thought that this may be the end of the debate. I am not a law knowing man but when he is staying something under the provisions of law, you must listen, we should not indulge in exchange of hot words. It is for the Central Government to take a decision there is no question of any confrontation. If we had no confidence, then we would not have moved the resolution. The press people had reported that when I met Prime Minister he challenged me and I was drawn flat. To my friends belonging to BJP I may inform them that the Prime Minister is not such a person. God save him I sometimes feel astonished that how a person of R.S.S has become a true democrat.

.....Interruptions.....

The press had also reported that Farooq Abdullah has been impressed and after many efforts matter was set right but I do not understand as to how they write it. I requested them that for Gods sake do not try to create hurdles in the relations. Honestly speaking I don not have any enmity with the press people.

I remember today late Shamim Sahib, Allah may grant him heaven, he was Editor of paper "Aina" When Smt. Indra Gandhi dissolved Parliament in 1977 and ordered polls I was in Delhi alongwith Dr. Nagpal for acquiring machines from Sweden and Germany etc for Medical Institute which was under construction. Before leaving abroad Shamim Sahib came to me and asked as to why we are not fighting elections. I may inform you that he had such relations with Sheikh Sahib that Begum Abdullah would not dare to enter his room but Shamim Ahmad Shamim was free to enter. I am narrating this here

because relations of Shamim Sahib are sitting here. Allah had provided him a tremendous power of writing. Allah has provided excellent power of thinking and writing to the people of Shopian. When Sheikh Sahib did not participate in elections because the party was not in favour of taking part in elections they were against it. Today my party also feels why I am so close to Maulana Iftikhar Sahib. Some take it as otherwise but there may be some reason which unites us.

How delightful it would have been if Shamim Sahib would have been sitting here, when Begum Sahib entered into election fray Mr. Mohi-ud-din Shah was General Secretary and Sheikh Shahib was Chief Minister.

.....Interruptions.....

When this development took place the attitude of Shamim Sahib's paper changed and he started criticizing Sheikh Sahib with all his words at his command. One day he met me near Coffee House. I wished him and said you were so close to Sheikh Sahib why have your writings changed. His reply was that Sheikh Sahib has grabbed his seat. I told him that sometimes party president has to decide according to the wishes of the party, the party decision carries the weight and the tragedy is that in democracy it is the law. Just as Shafi Sahib Wanted to support the resolution but the party decided otherwise. I have read it in the newspapers and I don't know the factual position. I remember it when we were in Iraq, we received a telegram about demise of Shamim Sahib. God only knows how Sheikh Sahib wept bitterly on hearing about his death. I later on asked Sheikh Sahib when he was normal and after making so many comments said, "Kashmir has lost a great person ." Sheikh Sahib was such a democrat. After that he along with me visited the Dargah of Sheikh Abdul Quadir Jeelani (peace be on him) and prayed for peace of Shamim Sahib's soul. Our party does not believe in personally vendetta. Dr. Karan Singh has personally told me that had Sheikh Sahab and Maharaja understood each other and joined hands there would have been no such problem of Jammu and Kashmir. We can ask him, he is your Member parliament. This is not a question of taking clock forward or backward but to such wright a history. This is the real meaning of democracy. Sometimes Central Governments emends laws and how can we forget 74th Amendment. After Indra Gandhi, this 74th Amendment was again changed. We have to win the hearts of

People. On one side we are facing so called Jihad and on the other here their electronic media. Whatever they are saying, we cannot escape from their wrath. By the grace of God I am not listening their radio because I have high B.P already and it may rise further resulting in a great risk to my life. So if do not listen to it but the propaganda is very vicious and their mercenaries are believing it as true. Once I was leading an Indian delegation to Saudi Arabia I was told by the Governor of "Mecca," Dr. Sahib whether it is a fact that "Azan" is not allowed in the Mosques of Jammu and Kashmir and there is a ban on Islam and Holy Quranic education? I told him that you please depute your ambassador, in India, to the State, he will himself see the factual position. Every body in the State enjoys complete religious freedom. In order to dispel the malicious and unfounded propaganda unleashed by Pakistan "Kashmir Channel" was started. This Channel was not for Kashmiries but for the whole world. So many articles were written by the press and Teng Sahib also wrote it. But the Pakistan was such that Kashmiri culture was thrown to winds. It was also written that Farooq Abdullah told Mamta.

”تمہیں مرچیں لگی تو میں کیا کروں“

These well wishers of mine are trying to sell me by resorting to these actions. Luckily I had not embarrassed any actor and they could have exploited it to any extent including to the extent of my character assassinations. Today's Civil Aviation Minister had said that Farooq Abdullah has performed second marriage, with the wife of one of my friend. When I was asked about it I told them that I will invite you alongwith Band Baja but that situation has not arisen, my Madam is still alive. She will not allow it. Your aim is to weaken the National Conference but before that you are going to zero Farooq Abdullah. You are all against me, and I will not stop you from writing against me. You sometimes write Farooq Abdullah is changing statements. You are dancing to the tune of opposition parties. I want to know from you, "has my stand changed on states accession to India? No body can change it, but still you are creating doubts. I am not power thirsty. I have left this post in the past. Farooq Abdullah is not in power by virtue of having majority but with the power of people". Govt. is only a means of providing facilities of betterment to the people. Nobody has to remain in this world for ever, Pt. Nehru, was on the post of Prime Minister for 17 years and after that he left this world. Similarly Mr. Parmar, Chief Minister of Himachal Pradesh for 17 years, left this world. These things are not going to remain for ever but only the name of All Mighty God will remain.

The law books which you are examining for finding loop holes therein for opposing us my humble request to you, would be that honestly speaking, if we are wrong anywhere either you convince us or we will convince you. If you are not able to convince us then we cannot move forward but to create hurdles and sow the seeds of hatred in adakhies and Hindus of Jammu is not proper. These action will destroy the Country. Do not create hatred among the massed of Country for electoral benefits, I also want to inform my party people that this hatred has risen to its peaks and should be stopped now. This hatred has created India and Pakistan. Honestly speaking my father told me that Mr. Jinnah was not a Pakistani but the leaders at that time created such an ugly atmosphere that he was compelled to ask for a separate state. I may not inform you all the qualities because the Muslims of both the parties will not leave me, he was also taking wine. All this is written in the books. So I will request you that do not push us to wall but lend us your helping hand in creating atmosphere of negotiations with the Central Government. I do not mean to have talks with Farooq Abdullah but with all of us with open hearts. Do not think that we are not Pakistani my grandfather and maternal Uncle is buried there and so many times I and my mother wished to visit these places, but due to fear, could not visit. I was apprehending allegations may not crop up that I was holding conspiracy with Pakistan. So far as issues raised in this House are concerned, one of the point raised that National Conference Party obtained only 5% votes and rest by resorting to unfair means. God may give long life to Mr. Praboo Chawala, he is of RSS. I remember he has never been in favour of Farooq Abdullah and National Conference. Let me tell you, he has written that we have filled ballot boxes with the help of security forces. Can the Election Commission of India allow us to fill the ballot boxes with the votes by the assistance of security forces, then I would have said Election Commission of India "Zindabad". When we went with the autonomy proposal.

.....Interruptions.....

Please listen, you have raised this issue here and I may inform you that India Government did not provide me the majority. After elections I meet Prime Minister Mr. Deve Gowda at his residence No.7. He told me that according to IB reports my party is going to get 25 seats and what will be your next step. I told him that we will accept the people's verdict and after that hold consultations with other groups. But the counting has not started yet. In the meantime I went to