

WORKING GROUP V

SUMMARY OF RECOMMENDATIONS

1. Article 370 of the Constitution of India

It is for the people of the State of Jammu and Kashmir to decide how long to continue Article 370 in its present form and when to make it permanent or abrogate. The matter being 60 years old, should be settled once for all.

2. Demand of Autonomy by National Conference

The question of 'Autonomy' and its demand can be examined in the light of the 'Kashmir Accord' or in some other manner or on the basis of some other formula as the present Prime Minister may deem fit and appropriate so as to restore the 'Autonomy' to the extent possible.

The question of appointment of the Governor and dismissal of the popular Government by the Governor may be considered and resolved.

3. Demand of Self Rule

Mr. M.H. Beg on behalf of PDP explained orally the concept of "Self Rule" but the 'Self Rule' as proposed by the PDP could not be considered in all its detail as the document containing the various

aspects of the 'Self Rule' were not provided to the Working Group as promised by PDP during the course of the proceedings.

Basically it appears to relate to 'Autonomy' in a wider context, which requires to be considered by the Central Government if and when approached with documents containing specific proposals of the "Self Rule". This document should be on record.

4. Term of Legislative Assembly of the State

Any change in the term of the Assembly will require political consensus among the various political parties in the State and it can be effected only through a Constitutional Amendment.

5. Representation/Reservation for Scheduled Tribe and Women in the Assembly.

On this issue, the national pattern may be a good guide subject to political consensus.

6. Abolition of State Legislative Council

The present position may be maintained.

7. Increase in the number of Assembly seats and De-limitation Commission

Since the Constitutional provisions do not allow any change upto the year 2026, the present position may be maintained till then.

8. Strength of the Council of Ministers

Formation of the Ministry and strength of the Council of Ministers is the exclusive prerogative of the Chief Minister within the provisions of the Constitution.

9. Strengthening of the Democratic Process

Regular elections to democratic bodies including Panchayats and Municipalities etc. should be held.

10. Human Rights

The Human Right violations must not be tolerated and the State Government should take steps to strengthen institutions which are involved in safeguarding the human rights including the State Human Rights Commission.

Additional staff as recommended in the body of the report be sanctioned, which will work under the direct control of the Commission.

11. Right to Information Act and Accountability Commission

The positions vacant in the Accountability Commission may be filled up and the Commission should be made fully functional.

12. Armed Forces Special Powers Act

A group of Central Government and the State Government officers and peoples representatives may be constituted which will review the application of the Act to various parts of the State regularly to explore the possibility whether the Act can be withdrawn from any part of the State.

13. Issues relating to Kashmiri Migrants

The Central and State Governments must take all steps to implement the relief and rehabilitation packages sanctioned in this regard including the package announced by the present Prime Minister. The progress made should be regularly reviewed by a Group of Senior Officers from the Government of India and the State Government. Migrant employees should be encouraged to return to the Valley on guarantee of their children being admitted to educational/training institutions and they and their families be provided full security.

Large industrial units like ITI/HMT should be revived and migrants can also be housed in secure zones in these campuses, and also given employment.

Migrants within the Jammu Region may also be provided relief on the same pattern as the Kashmiri Migrants.

14. Issues relating to refugees of 1947, 1965 and 1971 and other migrants within Jammu Region

The recommendations of the Wadhwa Committee Report be implemented and an Empowered Group of Senior officers of Government of India/State Government be appointed to monitor the implementation of these recommendations and other measures as may be sanctioned by the State Government.

State Government may consider providing relief to the Refugees from West Pakistan as permissible under the Constitution. Otherwise an alternative package providing cash relief as one-time settlement be considered.

State Government may provide a limited number of seats to the children of the refugees from West Pakistan in technical institutions and the Government of India may provide employment to them in Central Government offices located in Jammu and Kashmir to the extent of 2%.

Other refugees and border migrants displaced as a result of conflict at international border/LOC be given suitable compensation and proper steps taken for their rehabilitation. Similarly those who were displaced in 1999 (after Kargil conflict) should be properly settled.

15. Under representation of Jammu in Legislative Assembly

Since there is Constitutional constraint to make any changes till the year 2026, as a new Delimitation Commission can be set up only thereafter, the present position may continue.

16. Discrimination against Jammu

The recommendations made by Gajendragadkar Commission and Sikri Commission may be kept in view while making out policies.

Planned Expenditure in the Jammu and Kashmir Regions and District sectors does not indicate any discrimination and this situation be maintained. (See detailed reasons)

The daily wage rate in all areas should be on the basis of 'Equal Pay for Equal Work' and there shall not be any discrimination.

State Government should take steps to ensure that viable projects under IRDF or any other scheme are prepared for consideration.

A Dogri Channel may be set up on the lines of Kashir Channel of the Doordarshan.

For improvement in technical education, the NIT at Srinagar and Government Engineering College at Jammu be upgraded to IIT level. Similarly the Central Government may also establish an IIM in the State.

Steps be taken to promote IT Industry in both Jammu and Kashmir regions to open up the employment opportunities for technically qualified youth.

The Finance Commission recently set up by the State Government will be an appropriate forum to address any left out grievances of any regions of the State. The Scope of Work given to the Finance Commission needs to be effectively taken up for finding permanent solution.

Although the recommendations of The Gajendragadkar Commission, The Sikri Commission and The Wazir Commission have largely been implemented, the State Government may examine if any further action is required so as to remove any apprehension about discrimination against any part of the state as brought out by some of the members.

The State Government may also look into the statement that the Civil Secretariate and H.O.D. offices have a proportionately high number of non-gazetted employees from The Kashmir Valley and if so this may be corrected through appropriate measure.

17. Union Territory Status for Ladakh

It is not recommended that the unity and integrity of the State of Jammu and Kashmir be compromised and the Union Territory Status for Ladakh is not recommended.

The functioning of Ladakh Autonomous Hill Development Council has been very successful and it may continue its commendable work.

Regarding higher cost of construction in Ladakh, the State Government /Finance Commission should make appropriate budget allocation for this region.

A separate university for Ladakh can be considered to be set up.

18. Position of Chief Minister, Dy. Chief minister and Ministers from Ladakh

No specific recommendation is made except that the elected government should ensure that adequate representation is given to all regions of the State at appropriate levels, and may also consider the question of appointment of Dy. C.M. either from Jammu/Kashmir or Ladakh depending on the region to which the Chief Minister belongs.

19. Representation in the Supreme Court

The High Court of Jammu and Kashmir has benches in both Jammu and Srinagar and are functional round the year. It will be appropriate and advisable in view of the Special Status of the State That Judges to the Supreme Court are elevated from both Jammu and Srinagar.

20. Regional Councils

The State may set up a State Planning and Development Board, which will be advisory in nature and could consider formulation of schemes for the state sector, assign priority to such schemes and also monitor their effective implementation. The Board will have MLAs, experts, representatives of backward regions as members.

21. Local Self Governance

All Panchayati Raj institutions should be strengthened and the 73rd and 74th Amendments to the Constitution of India should be considered by the State for adaptation or making a similar provision in the State Constitution.

For backward areas, better infrastructure, road network and health and educational institutions should be provided. A special plan for backward areas within the overall State/District plans should be considered.

22. Reservation in services/promotions/professional institutions.

The Jammu and Kashmir State Backward Classes Commission will be the appropriate forum to deal with the issues of reservation for backward communities and backward areas.

The issue of providing reservation to the residents of areas adjoining international border at the same level as LOC may be considered by the State Government.

23. Other Issues

Certain other issues not within the terms of reference of the Working Group V, which were raised by various members, have been listed which may be considered for appropriate action.

This is only a summary of the recommendations made by the Working Group and for full appreciation of the recommendations and the background in which they have been made, the main report may be referred to.