

Administrative Reforms in Jammu & Kashmir: An Overview

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Abstract

The term “Administrative Reform” has different meanings in different nations with different political systems. It is a process of change in administrative structures or procedures within the public services because they seem to have become inappropriate in the changed social and political environment. Administrative reform is often referred to as an attempt to modernise and change society by using the administrative system as an instrument for social and economic transformation. Administrative modernisation is based on the urge to upgrade the administrative capabilities through the use of scientific management and modern management techniques. The purpose generally is to promote coordination in the management of public affairs through measures as standardising organisational patterns and practices, establishing uniform rules and regulations for public personnel, making management practices more effective and strengthening budgetary process. The focus of this paper will be administrative reforms in Jammu and Kashmir.

Key Words: Administration, Agrarian, Land Reform, Peasantry, Social, Educational, Constitutional Reforms, Naya Kashmir, Transparency & Accountability, Right to Information Act, State Accountability Commission, etc.

Introduction

The terms “Administrative Reforms”, “Administrative Change” and “Administrative Reorganization” are used synonymously, although by strict definition, reform would stand for eradication of abuses in the existing system, change would mean modifications to suit ideological or socio-economic environment, and reorganisation would be reconstructing the existing system to suit current needs and new demands. Administrative reform is not merely a technical exercise instead it is a process involving the political interactions of stakeholders who actually determine the course of events. Many definitions fail to appreciate ‘the politics of reform’ and are thus unable to comprehend why reform programs have introduced measures they incorporate and why they may succeed, many operational definitions contain in excess of instrumental rationality, (Mark Turner and David Hume, 1997).

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Formation of Jammu and Kashmir

The present Jammu and Kashmir came into existence on the 16th of March 1846 through the Treaty of Amritsar, Quote Article 1 Treaty (1997), which was an offshoot of the Treaty of Lahore signed between British East India Company and Maharaja Gulab Singh, (Article 12 & Nendelen, 1973). Disparate territories viz., Jammu, Kashmir, Ladakh, Hunza, Nagar and Gilgit stripped by the company from the Sikh kingdom of Punjab were cobbled together to bring into being this state, (Mridu, 2004). Through the Treaty of Lahore, the Maharaja of Punjab agreed to recognise the independent sovereignty of Raja Gulab Singh, in such territories and districts in the hills as may be made over to the said Raja Gulab Singh, by separate agreement between him and the British Government. In accordance with the provisions of the Treaty of Lahore, a separate Agreement in the form of a treaty was signed between the representatives of the English East India Company and Maharaja Gulab Singh on 16th March, a day after the Raja was bestowed with the title of Maharaja, the emblem of sovereignty, (Cunningham, 1966). Taking full advantage of the speciality of the treaty and magnanimity of the British, Maharaja Gulab Singh and his successors claimed Kashmir as their private property on the ground that they had paid Rs 75 Lacs to the British, (Robert, 1870).

Evolution of Administrative Reform in J&K

Maharaja Gulab Singh devoted towards the consolidation and building up of Jammu and Kashmir State. He had hardly any tie left for setting up an administration, though he did make a few changes. The Maharaja looked carefully into the revenue administration of Kashmir. Gulab Singh entrusted the Civil Administration of the State to a Council of Ministers called as Dewans. The Ministers were headed by a senior Minister who enjoyed an important position in the court of Maharaja. Maharaja had however, retained with himself the important departments of Foreign Relations of the State, Finance, Revenue collection and Taxation. The Administration of Justice was in-charge of Executive Officers, the Maharaja being the Chief Adawate. He vested in him the power to hear cases in the first instance as well as in appeal against a Nazrana of rupee one presented with petition, (Drew, 1875). Moreover further reforms in administration Maharaja had divided the State into three provincial divisions, i.e. Jammu, Kashmir and the frontier regions of Gilgit. Each division was sub-divided into districts, headed by a District Officer. Kashmir Division was divided into two major divisions Kamaraj and Maraj. After his death Ranbir Singh ascended the throne, it felt to his lot to improve the administration. He made administrative reforms as the main issue of governance. Decentralization of the government by introducing; i) Daftari-i-Diwan or Revenue Administration ii) Daftari-i-Nizamat or Civil Administration and iii) Daftari-i-Jangi or War Department.

Provincial divisions were setup as Districts or Wazarts divided into Tehsils which in turn was divided into Tehsils which in turn into Pargans. Finance Department was established in 1869 under the Controller of Finance, accounts were kept in Persian Language. Biannual Report was being published to give factual information concerning administrative progress in various fields. Re-organisation of entire government under the Nizamat department to establish both Muslim and Hindu rules and laws was undertaken. Hence Maharaja Ranbir Singh himself undertook the Nizamat Department. Maharaja turned his attention to the revenue administration. During Maharaja Gulab Singh's reign, the revenue was collected in kind and not in cash. In 1860 Maharaja Ranbir Singh abolished the collection of revenue in kind in the Jammu province. An Adalat Sadar (Chief Court) was created at Jammu and another at Srinagar. All cases of importance used to be decided by this court and the Maharaja himself used to take a keen interest in the administration of Justice, (Kaul, 1963). In 1877, an Adalat-i-Alia (High Court) was established. Even courts were established in remote areas of Askardu and Gilgit. Special Courts for Shawl-Bafs and a Panchayat were set up in Srinagar, (Dewan, 1967). Like Lord Macaulay, Maharaja Ranbir Singh got a Penal Code, called Ranbir Dand and compiled which laid down the rules and regulations for the good governance of the State. Maharaja Ranbir Singh also enforced law regarding court fee, stamp and registration fees. He also prepared a code of conduct called "Dastur-ul-Amal" for guidance of Revenue officials, (Khan, 1980). He abolished the taxes called 'Ravangi', 'Thanapatti' and 'Harkara', (Ghose, 1960). The practice of collecting custom duties on the import of rice into Srinagar was also discontinued. Numerous vexatious duties on manufacturers and traders were abolished and steps were taken to encourage trade between the State and British India, (Bose, 1889). Some steps were taken to check the corruption among the civil and revenue officials, and bribe taking was declared illegal and liable to severe punishment, (Digby, 1890). Stringent orders were issued to prevent high officials and influential men from influencing the decision of courts of justice. Municipal Constitutions was also granted to these towns, (Ganga, 1846). During the reign of Maharaja Pratab Singh an agitation with the slogan "State for State's People" had started, this agitation grew stronger as time went by. The agitation was so strong that Maharaja had to issue an order on 31st of January 1927 which provided that the "Mulkis" (State Subjects) would be preferred to outsiders in cases of employment in Government Services. Maharaja issued a definition of the term "State Subject", (State Subject, 1927).

Constitutional Reforms

Constitutional reform formed an integral part of the programme and activities of the Muslim Conference. It was from the very beginning that the conference took up the demand of constitutional reforms on priority. In response to Glancy Commission recommendations the

Government had appointed a Franchise Committee under the Chairmanship of the Chief Justice of the State Sir Barjour Dalal on 31 May 1932, (Ranbir, 1932). In its first annual session the President of the Conference complained of the non-fulfilment of the promises by the Government, which the latter has made by order in response to the Glancy Commission recommendations. The Conference demanded immediate establishment of the Constituent Assembly and an increase in the owners of the proposed Assembly. It also demanded the extension of the Municipal Committee and the proposed district boards. President Address, (Abdullah, 1932). The President demanded that before publishing the vote list the Franchise Committee should reconsider its recommendations regarding the right to vote, so that Thirty Four lakh populations living in the village was out deprived of this right. President Address, (Abdullah, 1933). The conference expressed its dissatisfaction over the recommendations of the Glancy Commission regarding district boards. It particularly condemned as inclusion of Zaildars (official in charge of land revenue attestation) in the district bodies. The Conference demanded the establishment of district boards on Punjab pattern so that ninety six per cent village populations would be benefited. The leadership was also disgusted with the constitution of the Municipal Committee. There was only one Municipal Committee in the whole Valley, i.e. 'the Municipal Committee of Srinagar.'

Educational Reforms

Education played the most effective role in the spread of socio-political consciousness among the people of the State. One of the features of the modernisation was the introduction of western system of education in the State. English was introduced as a subject in schools during Maharaja Ranbir Singh's time. He opened schools in all towns. A high school was established in Jammu. The school education was given up-to the matriculation standard. But it was during Maharaja Pratab Singh's time that education was treated on improved lines of modern western system. In 1930 the Government constituted a Civil Service Recruitment Board. Besides other objectionable rules embodied in the laws governing the recruitment policy, only those candidates were declared eligible to apply who came from 'noble families', and were not above twenty years, (Kashmir Mussalman, 1931). Also the candidates had to pass a competitive examination to qualify for appointment, (Bazaz, 1941).

Naya Kashmir

In 1944, Sheikh Mohammad Abdullah presented the Naya Kashmir document to Maharaja Hari Singh, the ruler of Jammu and Kashmir. This was an important public expression of a common identity of the people of the state and their common aspirations. Further, its other objective was to showcase the National Conference as the true representative of this common identity and put forward Sheikh Abdullah as its undisputed advocate. A Working Committee of 21 members was nominated by Sheikh Mohammad Abdullah and within a short time Naya Kashmir

became a rallying point for the anti-monarchical movement in the state. Though Naya Kashmir drew support from all sections of society. The main aims of Naya Kashmir were, 'To raise the standard of living of our people, enhance the wealth of the community, and to eradicate all invidious social divisions' Naya Kashmir Manifesto, (1945). Naya Kashmir sought to change the social relations of production in the agrarian sector by giving ownership rights to tenant farmers through state-wide land reforms. This was to be supplemented by 'economic remedies like improvements in the production technique and agricultural equipment of all kinds, better marketing facilities and consolidation of holdings, (Beg, 1951). Naya Kashmir advocated rapid industrialisation, seeking not only to industrialise as fast as possible but also to diversify from traditional small scale industries like handicrafts to medium and heavy industries like cement. To give legal sanctity to Naya Kashmir the government tasked the existing Praja Sabha (State Assembly convened by the Maharaja) with adopting the Naya Kashmir Constitution. The Jammu and Kashmir Constitution Act of 1939 was then subjected to a process of repeated modifications through the passing of a number of Amendment Act that did away with the powers of the monarch and delegated them to the Constituent Assembly, (Anand, 2017). In fact Naya Kashmir functioned as the defacto Constitution as the government was guided chiefly by its social, political and developmental objectives. It lost no time in implementing redistributive provisions including land reforms and the dissolution of debt.

Agrarian Reforms after 1948

The National Conference Government came into power in March, 1948, the government declared the abolition of privileges of muafidars and mukkarrees-khwars (recipients of cash grant). Further, it gave priority to the reorganisation of agriculture on a modern and rational basis, through the abolition of land-lordism, securing the land to the tiller and the formation of cooperative associations. These steps were taken to free the peasant from the burden of the parasitic jagirdas and kardars. Besides, waste lands were granted to tillers for cultivation, a moratorium was declared on non-commercial debts and ejectment proceedings against tenants were stayed for a period of one year. Towards the end of 1949 a land reform committee was appointed by the government to submit a detailed plan for the reorganisation of agriculture in the state. On 13, July 1950 far-reaching reforms were announced by the government, (Malviviya). As a result of these reforms, 45 lakhs kanals of land were wrested from the absentee landlords and distributed to those tillers who either possessed inadequate holdings or owned no land at all. Thus to start with, the state government abolished in the year 1948 as many as 3910 Jagirs and Muafis. Further land revenue in kind was abolished and rebates on land revenue granted to chakdars were withdrawn. At about the same time, by another act, tenancy rights were conferred on tenants-at-will possessing 17 kanals (irrigated) or 33 kanals (un-irrigated) land in Kashmir and 33 kanals

(irrigated) or 64 kanals (un-irrigated) in Jammu province. It was in this context that the Big Landed Estates Abolition Act, 2007 (1950) was introduced. This was a landmark in agrarian reforms not only in this state but in the country as a whole. The main features of this legislation were Fixation of a ceiling on the holdings of proprietors at 22.75 acres (182 kanals) of land, excluding orchards, fuel and fodder reserves and uncultivable waste land, Report (1970-71). As a result of the enforcement of the Big Landed Estates Abolition Act 1950 as many as 9,000 and odd land owners were dispossessed of 45 Lacs acres of land held in excess of the ceiling and out of this 2.13 Lacs acres of land were transferred with ownership rights to cultivating peasants free of any encumbrances.

Constitutional Amendments

The Constituent Assembly met in Jammu in February 1954, (Bamzai, 2007). It passed a unanimous vote of confidence in Bakshi Ghulam Mohammad and his Cabinet. On 6th February, the Constituent Assembly confirmed the State's accession to India. As a practical consequence of the report, the customs barrier was removed on 13th April, and thereby Kashmir became economically as integral part of India, (Wani, 2015). Accordingly on 14th May 1954, a President order was issued incorporating the recommendations of the State Constituent Assembly in the Indian Constitution. In regard to all basic matter, the State Constitution is identical with the Indian Constitution. It provides for a parliament form of government a legislature, adult suffrage, an independent judiciary, a Public Service Commission, and other democratic institutions. In the matter of Fundamental Rights, the jurisdiction of the Supreme Court and the Authority of the Controller and Auditor General of India, the State is like any other in the Union, J & K, Constituent Assembly (1959). The State entered into financial arrangements with the Union Government in 1957 which brought it on par with other States in respect of financial matters including proportionate allocation of funds from the Centre. In 1959, the State Assembly unanimously decided to seek amendment of the State's Constitution to provide for the extension of the jurisdiction of the Election Commission of India and the Supreme Court over the State of Jammu and Kashmir. The recommendations of the State Legislature have been incorporated in the Indian Constitution through a Presidential order issued on 26th January 1960. The Constituent Assembly passed in the capacity of the Provisional Legislature, the People's Representation Act providing for delimitation of Constituencies for the purpose of election to the Legislature Assembly and the Legislative Council. It also made provision for free and fair conduct of the elections. In pursuance of this Act, the Sadr-i-Riyasat issued an order of 11th February 1957, for the delimitation of constituencies, People's Representation Act (1957).

Single Line Administration

As far as State of J&K is concerned the history of local self-government institutions, in its present form can be traced back to promulgation of Jammu & Kashmir Village Panchayat Regulation No.1 by Maharaja Hari Singh in 1935, Administration Report (Samvat 1995-96). The concept of democratic decentralisation finds prominent place in the manifesto and policy outline of Naya Kashmir adopted by the National Conference in 1944 advocated in the Naya Kashmir manifesto were conceived of a purely democratic system with the grassroots level concept of power to the people and from the people. With the assumption of power by NC after 1947 several efforts were made to constitute the local government institutions on democratic line. Accordingly the Government replaced the Panchayat Act of 1935 by the J&K Village panchayat 1951. With the coming of Balwant Rai Mehta Committee report and its adoption by National Development Council (NDC) in 1958 led to the establishment of Panchayat Raj institutions throughout India. Following the suit J&K State amended the Act of 1951 with J&K Village Panchayat Act of 1958. J & K (1953-1954).

However the Indra-Abdullah Accord of 1975 brought about a change in this situation, (Najar) This earmarked the revival of democratic institutions. Most significant development during this period was the introduction of decentralisation district planning in the State. Following the guidelines for district planning issued by the Planning Commission of India. In 1969 Sheikh Mohammad Abdullah government introduced an innovative model of Decentralisation Planning at District Level in 1976 popularly known as Single Line Administration. Thus the planning was decentralised to district levels with the constitution of District Development Boards with adequate powers and popular representation. The board was given powers to formulate long and short term plans and oversee their implementation. The Deputy Commissioner of the concerned district was appointed ex-officio. District Development Commissioner with the delegation of wide financial and administrative powers, (Ghani, 2016). The DDC was also appointed as the Chairman of DDB of concerned district (however, it was reversed in 1996) when a Minister of Cabinet rank was made the chairman of the Board in place DDC. All the departments in the district were placed under the administrative and operational control of the DDC concerned. The DDC and the district Superintending Engineer were given the powers of the major head of the department. The DDBs hold meetings once every quarter and often whenever the DDC finds this to be necessary and useful. The main purpose behind the Single Line Administration was to decentralise administration and to build up a particularly base at the district level. In order to strengthen and reaffirm the concept of Single Line System comprehensive guideline were issued in 1993 towards consolidating this arrangement.

The Single Line System in the state yielded considerable benefits in terms of extending the impact of developmental programmes and in encouraging public involvement as well as reducing

regional disparities. The Single Line Administration was introduced to ensure equitable development of all the regions of the state but over the years the inter district disparities have been increasing with respect to District Plan Allocations. The main reasons behind these disparities are the highly pollicised decision taken in the meetings of District Development Board.

Decentralized System of Planning and Local Self Government

In 1935 Panchayati Raj in Jammu and Kashmir was introduced by Maharaja Hari Singh in a modest way by promulgation of the Jammu and Kashmir Village Panchayat Raj. In 1936 a separate department Panchayati and Rural Development was created to administer the 1935 Regulation. By an amendment in 1941, the list of functions of the 1935 Regulation were widened by an Act of 1951, the Panchayati Raj Institutions (PRI) was adopted to be re-established. The Jammu and Kashmir Government thereafter enacted the Village Panchayati Act in 1958, J &K (1953-54), replacing the 1951 Act and in April 1988 and passed in March 1989, then force Jammu and Kashmir Panchayati Raj Act came into existence, (Laxmikanth). However under this Act the association of the panchayats with the Community Development Programme has been assured. Block Panchayat Boards had been provided at the block level. To enable the panchayats to concentrate more on the development of rural areas judicial functions had been assigned to panchayat Adalats, J & K Kashmir Village (1959). Veterinary First Aid Kits were also provided to the Panchayats. The entire procedure of allocation of funds had undergone a change. All panchayats then prepared their programme of work on the basis of their needs; placed these before the Block Advisory Committee which discussed and after approval incorporated these into one Block Plan. The plan got examined for their technical and financial feasibility and funds were allocated within the ceiling available ranging from Rs.50,000 to Rs.1.00 lakhs per block depending on the number of units and the special requirements of each.

Right to Information Act Jammu and Kashmir

The historic event in the annals of democracy in the State of Jammu and Kashmir was the Right to Information Act 2004 which was enacted on 7 January, 2004. With the enacted of the act, it empowers the citizens of the state against Administrative corruption and erratic/wrong administration. This act discloses the Governmental and Administrative functions, programs and process related information to every common man. After the enactment of RTI Act 2005 at national level there was as urgent need that J&K state must have a similar RTI law because we see many weakness of the 2004.The Jammu & Kashmir Right to Information Act, 2009 came into force on 20 March 2009, repealing and replacing the erstwhile Jammu & Kashmir Right to Information Act, 2004 and the Jammu & Kashmir Right to Information (Amendment) Act, 2008. The Act is based closely upon the Central Right to Information Act, 2005. Like all RTI

legislation, it is intended to provide citizens of the state of Jammu and Kashmir with a legal mandate mechanism for obtaining government records, (<https://en.wikipedia.org>, 2009). The Jammu and Kashmir Right to Information Act was hailed as a major step towards democratization of the State, as informed citizenry and transparency of information are vital to the functioning of a democratic government and also to contain corruption. The Jammu and Kashmir right to information Act, 2009 is gradually being recognized as a new and self-assured institution to bring about transparency and accountability in the state in general and Kashmir in particular.

The Jammu and Kashmir State Accountability Commission Act 2002

It is mandatory for every State Government to provide responsive, administration, accountable and is necessary to have such institution, which may enquire into the allegations and grievances against public men and persons holding civil posts in the State. With this object, Jammu and Kashmir Accountability Act 2002 came to be enacted. This Act has been extended to whole of the State of Jammu and Kashmir. The Act was published in the Government Gazette dated 16-12-2002, (<http://jksac.nic.in/pdfs/> 2011-12), after receiving the consent of Governor on 13-12-2002 and came into force w.e.f. 25-01-2003. The main features of the act are given below:

- i. The allegation can be regarding corruption, favouritism, nepotism or lack of integrity, abused or misused his position to obtain any gain or favour, (J & K Accountability Act 2002)
- ii. Procedure in respect of inquiries as explained in section (13) sub section 2 say that inquiry shall be conducted by the chairperson and the members jointly (J & K Accountability Act 2002)
- iii. Accountability Commission as explained in section 21(2) shall in its report recommend to the competent authority concerned that such injustice or hardship shall be remedied or redressed, J & K Accountability Act (2002).
- iv. The competent authority shall take action within 90 days from the receipt of report from the Commission

The Jammu and Kashmir Public Service Guarantee Act 2011

In sequel to the enactment of Public Services Guarantee Act (PSGA) 2011, the Jammu and Kashmir State Government has issued notification under SRO 223 and 224 identifying the public services, designated officers, stipulated timeframe for providing the services, first appellate authority and second appellate authority besides notifying rules to make the Act operational with immediate effect. The Jammu and Kashmir Public Services Guarantee Act was passed by the State Legislature for the delivery of public services to the people of the State within the specified time limit and for matters connected therewith and incidental thereto,

<http://www.greaterkashmir.com>) penalty can be imposed on the designated officer for not providing service in specified ways i) Rs. 250 for each day of such delay or Rs. 5000.00 ii) Rs. 2000 in each of deficiency in service, (J&K Public Service Guarantee, 2011).

Conclusion

As a state with unique features and a strategic location, the speedy development of Jammu and Kashmir needs an integrated approach. The top priority of the government should be to create a secure environment by improving the law and order situation in the state. State finance should also receive proper attention in order to ensure better fiscal management. A sound policy should be devised to exploit the potential in the sectors of strength. The development of potential sectors such as Horticulture, Handloom and Handicrafts, Bio-Technology, Tourism and Information Technology will have strong inter-linkages with the rest of the sectors. The State government should focus to eradicate the problems of unemployment, poverty, electricity shortage in the state. The government should further strengthen the monitoring system through use of information technology. The Public Service Guarantee Act, Right to Information Act, Panchayat Raj institutions and Urban local bodies should be further strengthen. Improving personnel administration, recommendation training, placement, performance appraisal, promotion, salary fixation, staffing policies should be revamped as per the policy guidelines and in a time bound manner. The Society participation is one of the important remedies as convincing the people about the importance of programmes planning with people consult local organizations before launching the programmes, respect for ideas, informing the benefits, voluntary commitment to people, commitment of political parties. Rural people should be given chance for self-fulfilment and expression in what has become a city centred, financially dominated society. The trend towards the urban centres must be reversed by instituting policies that will make life in the rural pleasant, prosperous and attractive. Before initiate any scheme/programme the government should aware the people its benefit through electronic media especially Social Media. The government should also provide better infrastructure with regard to setup of community centre where people should access internet service free of cost. In a nutshell, sound policy and good governance can lead the state of Jammu and Kashmir to a faster development path.

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