

demand for autonomy, as a cover to prepare the ground for a final break off with India. They accused the Conference leaders, of encouraging Muslim separatism, which they alleged, would in the long run lead to a national calamity. They apprised the Congress leaders of the wide-spread communal persecution, the Interim Government perpetrated upon the Hindus and the other minorities and demanded the application of the Constitution of India to the State, in order that they were secured protection against further discrimination.

The agitation, in Jammu, which intensified as the days went by, and the increasing distrust among the Hindus, worried the Indian leaders. The Interim Government carried on a relentless campaign of villification against the Hindus, charging them of seeking to destabilise the Interim Government to re-establish Hindu dominance over the State with the help of the Hindu communal forces in India. They alleged that the Hindu agitation was aimed to undermine the autonomous political organisation of the State to destroy its Muslim majority character.

In April 1952, the Indian Prime Minister sent Gopalswami Ayangar to Jammu to make an on the spot assessment of the situation and help in restoration of normalcy in the Province. A number of delegations from both the Provinces met Gopalswami Ayangar. A delegation of the Buddhists of Ladakh also met him. The delegations representing the Hindus and the Sikhs, informed Ayangar that the efforts of the Conference leaders to reconstitute the State into an autonomous republic, symbolised Muslim separatism, which would eventually lead to the secession of the State from India. They apprised Ayangar of the separatist trends which grew fast in the State in the name of its Muslim identity. They told him that the Hindus and the Sikhs opposed the separate political organisation of the State, which they alleged was used by the Interim Government to Muslimise the State and eliminate the minorities.

Ayangar mission disparaged the Conference leaders who had received unstinted support of the Congress leaders in whatever way they had governed the State. Many Muslim leaders of the Conference expressed strong resentment against Ayangar's visit and accused the Government of India of uncalled for interference in the internal affairs of the State. They claimed that the Muslims would not accept the secular integration of the State into the constitutional organisation of India which was bound to affect the Muslim majority character of the State. "They claimed that the Constituent Assembly of the State was not subject to any operatives which were not devised by the Interim Government and therefore, the Assembly was free to determine the institutional basis of the future constitution of the State. Some of the Conference leaders claimed that the Muslims in the State had supported the accession of the State to India on the condition that Jammu and Kashmir would be preserved its separate political identity and the Muslim majority character of its population."²²

Not long after Ayangar returned to Delhi, the Conference leaders mounted a scathing attack on the people who demanded the integration of the State into the Constitutional organisation of India. On 10th April, 1952, Sheikh Mohammad Abdullah, in a public speech delivered at Ranbir Singh Pora, a small township in the Jammu Province, situated close to the borders of Pakistan, severely criticised the demand for the integration of the State with India. Abdullah characterised the demand for the integration of the State into the constitutional organisation of India as "unrealistic, juvenile and insane." He said that the people who sought the integration of the State with India and the termination of its separate political identity "did not appreciate the realities of the situation which faced them in the State." Sheikh Mohammad Abdullah, claimed that the Muslims in the State were apprehensive of widespread communalism in India and they would not submit to the domination of the majority community in India. He observed: "No one can deny that communal feeling still persist in India.

Many Kashmiris are apprehensive about what will happen to them and their position, if for instance, something happens to Pandit Nehru." Sheikh Mohammad Abdullah said that the Muslims of Kashmir needed an assurance that India would not interfere in their internal affairs, and limit their freedom. If a special position was not secured for Kashmir in the Indian Constitution, how can we convince the Muslims in Kashmir that India does not interfere in the internal affairs of Kashmir." He made a wild assertion and said that, the Muslims had acceded to India in regard to defence, foreign affairs and communications. "We have acceded to India," he said, "in regard to defence, foreign affairs, and communications in order to have some sort of internal autonomy."

Sheikh's address stunned the Congress leaders in Delhi for whom the statement was a warning of the dangers ahead. Evidently, the assertion that the Muslims in Jammu and Kashmir are apprehensive of the recrudescence of communalism in India was unfounded. India had, of its free will opted for a secular political organisation, based upon the right to equality and protection against discrimination on the basis of religion, in spite of the division, the Muslims had forced on the Indian people and the internecine strife which had followed it. The Indian State had neither opted for communalisation of its government, nor sought the enforcement of the precedence of the Hindu majority in India. Contrary to the Indian commitment to the right to equality and protection against discrimination on the basis of religion, the National Conference Government headed by Sheikh Mohammad Abdullah, had upheld the Muslimisation of the State. Nowhere in India, except in Jammu and Kashmir, were communal quotas, fixed for employment, economic advantage and education on the basis of population proportions, a scourge, which ravaged the Hindus and the other minorities for decades after the Interim Government ended.

While Sheikh's words rattled round in Jammu, he delivered another speech in Srinagar, in which he alleged that

communalism was rife in India and the people of Jammu and Kashmir would not brook any interference with their freedom, which they had achieved after great sacrifices. Speaking to a huge Muslim congregation, at the Hazaratbal shrine, situated in Srinagar, the central place used by the Conference leadership as a major base of communication with the Muslims in Kashmir, who thronged the shrine in thousands. In his address, Sheikh Mohammad Abdullah said that "the people of Kashmir were not prepared to renounce their cherished goal of freedom and the ideology of the National Conference, the furtherance of which they had offered their blood and sweat during the last two decades. He told the congregation that Kashmir had acceded to India in respect of only defence, foreign affairs and communications and the people of the State possessed complete freedom to shape their own destiny in accordance with their will. "The people in Kashmir, possess the unassailable right to shape their destiny and they cannot be shaped by anybody except themselves." Sheikh Mohammad Abdullah said that any attempts to snatch the freedom of Kashmir would have dangerous consequences. Sheikh Mohammad Abdullah said: "Those people who are raising the slogan of full application of Indian Constitution to Kashmir are weakening the accession of the State. They are the same people who massacred Muslims in Jammu. These slogans naturally cause suspicion in the minds of the Muslims of the State."

In the Constituent Assembly, Sheikh Mohammad Abdullah gave a more clear exposition of his outlook. He told the Assembly in an address, which he delivered on 25 April 1952, that the Constituent Assembly of the State possessed unfettered powers to determine the affiliations of the State. The powers of the Assembly, he claimed were derived from the people and therefore, its powers were not subject to any limitations arising out of the accession of the State to India. Sheikh Mohammad Abdullah claimed further that the Assembly possessed unqualified powers to determine the future of the

ruling family, frame the constitutional relations between the State and the Union of India.

The pronouncements of the Conference leaders, inside the Assembly, deepened the crisis in the State. The Conference cadres, evidently, under the instructions of their leaders, launched a campaign among the Muslims, apprising them of their refusal to accept the finality of the accession of the State to India. The whole campaign centered round several fundamental issues, which were basic to the policy of the National Conference in regard to the accession of the State and its future constitutional organisation. In substance, the Conference cadres claimed:

- (i) the finality of the accession of the State was subject to the approval of the Muslim majority of the people of the State;
- (ii) the Constituent Assembly of the State derived its powers from the people and neither the Instrument of Accession nor the Constitution of India fettered its powers;
- (iii) the Constituent Assembly was vested with the powers to:
 - (a) ratify the accession of the State to India;
 - (b) opt for accession of the State to Pakistan; or
 - (c) vote for the independence of the State.
- (iv) the Constitutional relations between the State and the Union of India were also subject to the authority of the Constituent Assembly;
- (v) the Jammu and Kashmir belonged to the Muslims and they alone would determine its future affiliation as well as its constitutional organisation and the demand made by the Hindus, Sikhs and other minorities in the State for the final integration of the State with India, militated against the aspirations of the Muslims for self-determination;

- (vi) the Hindu agitation in Jammu was aimed to scuttle the freedom of the Muslims to opt for independence, or join the Muslim nation of Pakistan;
- (vii) the Dogra rule symbolised the slavery of the Muslims and therefore, the Muslims would no longer accept its continuation and the Constituent Assembly would provide a mandate for the replacement of the ruler by a President of the State, who was elected from among the common people of the State and who would give expression to the aspirations of the majority of the people in the State.

The Basic Principles Committee submitted an Interim Report to the Constituent Assembly on 10 June, 1952. The report stipulated:

"It is the considered view of the Committee that sovereignty does and must reside in the people and that all Power and authority must flow from the expression of their free will. The State and its head, respectively symbolise this sovereignty and its centre of gravity. The Head of the State represents the authority vested in him by the people for the maintenance of their rights. The promotion of this vital principle of constitutional progress makes it imperative that this symbol of State power should be subject to the vote of the people. The Committee, therefore, strongly feels that consistent with the democratic aspirations of the people of the State, the office of the Head of the State should be based upon the elective principle and not upon the principles of hereditary."

Sheikh Mohammad Abdullah sated in the Assembly that the Interim Report of the Basic Principles Committee reflected the will of the people. He said that the National Conference had decided to replace the ruler by a Chief Executive, who was elected by the people and who represented them. He

made certain interesting observations in the Constituent Assembly in regard to the proposals to end the Dogra rule. He said:⁴

However, the Committee has made the recommendations for the termination of this hereditary rule in the light of the desires of the people, who under the guidance of National Conference, have sacrificed their lives, have gone to jails and put up in narrow cells inhabited by serpents and scorpions. Hundreds of women folk have been dishonoured, hundreds made to crawl on their bellies and thousands martyred by shedding their blood. It is the saying of the leaders that freedom cannot be achieved by requesting but by struggle. Only that nation attains freedom which sheds its blood for this cause. This again cannot be achieved by begging. Freedom can be obtained only when the people of Jammu, Kashmir and Ladakh, nay, of the whole State, make sacrifices in the manner in which lakhs of people like Lutter have struggled for their liberation.

The message was indeed clear. In unambiguous terms Sheikh Mohammad Abdullah, sought to convey to the Muslims in the State, that the National Conference led the movement for their liberation and only after sacrifices were made, they could achieve freedom. Sheikh Mohammad Abdullah knew that the Hindus and the Sikhs were severely opposed to the separation to the State from India and did not approve any constitutional change in the absence of safeguards for the protection of their basic rights.

The Report of the Basic Principles Committee was unanimously adopted by the Constituent Assembly on 12 June 1952. The resolution of the Assembly stipulated:

(i) the hereditary rule of the Dogras would be abolished;

- (ii) the head of the State would be elected by the Legislative Assembly of the State and after having been elected would be recognised by the President of India;
- (iii) he would be designated the Sadar-i-Riyasat;
- (iv) he would hold office for a period of five years;
- (v) the method of election, and other qualifications would be prescribed in the State Constitution;
- (vi) the Sadar-i-Riyasat would exercise such powers, as would be vested in him by the Constitution of the State;
- (vii) the Constituent Assembly would prescribe suitable procedure for the removal of the Sadar-i-Riyasat, in case of gross misconduct.

After the Interim Report of the Basic Principles Committee was adopted by the Constituent Assembly, Durga Prasad Dhar, moved another resolution in the Constituent Assembly, proposing that instructions be issued to the Drafting Committee of the Constituent Assembly to frame such provisions as would be deemed necessary for the implementation of the recommendations of the Basic Principles Committee. "The Assembly resolves," the resolution stipulated, "that the recommendations contained in the Interim Report of the Basic Principles Committee, as adopted by the Assembly be implemented and for this purpose the Drafting Committee be directed to place before the Assembly, appropriate proposals in the form of a resolution, within a period of one month from the date of the passing of this resolution."⁶

The Government of India did not approve the proposals made by the Constituent Assembly of the State. Several Indian leaders strongly objected to the piecemeal constitutional amendments the Interim Government sought to bring about. Many of them disapproved of the removal of the Maharaja at a time when the Indian government was cajoled in the Security Council to accept the induction of a plebsicite administration

into the State, while negotiations for demilitarisation were still pending a final decision.

The Government of India, accordingly, informed the Conference leaders that the constitutional changes proposed by the Basic Principles Committee and approved by the Constituent Assembly of the State, would be inconsistent with the provisions of the Constitution of India. The Conference leaders were informed that any changes in the constitutional organisation of the State, which the Constituent Assembly proposed, would inevitably involve the integration of the State in the constitutional structure of India, in order that the constitutional instruments created by the Constituent Assembly did not conflict with the basic principles enshrined by the Constitution of India. In the Parliament, Nehru made a frank admission of the fact that constitutional change in Jammu and Kashmir could not be excluded from the framework of the principles, the Constitution of India envisaged and changes proposed to be undertaken in the State would have to be in consonance with the political imperatives, the Constitution of India envisaged. He said: "Now this position might well have lasted some time longer, but for the fact that the Constituent Assembly of Kashmir came into existence with our goodwill and with our consent. Now it is sitting to draw up its Constitution. When it is drawing up its Constitution, it has to be in some precise terms; it cannot be fluid. Therefore, the question arose that nothing should be done by the Constituent Assembly of Jammu and Kashmir State, which does not fit in with our Constitution, which is in a sense contrary to or conflicts with any part of it."⁷

The Conference leaders despatched a high power delegation, headed by Afzal Beg to the Indian capital to clarify their stand on the issues raised by the Government of India. Among the other members of the delegation, were included Syed Mir Qasim, the Secretary of the Basic Principles Committee and M.A. Shahmiri, the Constitutional Advisor to the Constituent Assembly. The delegation was later joined by the

other senior leaders of the National Conference, including Sheikh Mohammad Abdullah, Bakhshi Gulam Mohammad, Maulana Masoodi and Gulam Mohammad Sadiq.

By now, disillusionment about the United Nations intervention had set in the Government of India and Nehru and the other Congress leaders had almost abandoned their hope to get the invading armies of Pakistan evacuated from the occupied territories of the State. In fact, the severe whipping India had received in the Security Council, had caused considerable discomfiture to the Indian leaders and harmed the interests of the country. The British and their allies in the Security Council, including the United States of America, had gradually yielded ground to Pakistan on the main issue of the demilitarisation and the liberation of the occupied territories. At one time, the United Nations Military Advisors, almost compelled the Indian Government to accept a parity in the forces, the two countries would retain in the State, tacitly accepting Pakistan's claim to retain control over the occupied areas. The negotiations fell through, because, Pakistan resiled from its commitments.

Nehru had painfully realised that the negotiations, carried on under the auspices of the United Nations for the demilitarisation and truce, had ultimately led to the consolidation of the hold, Pakistan had assumed over the territories of the State under its occupation. "He had also realised that the delicately poised balance, which formed the basis of the Indian position in the State had been considerably eroded by the United Nations mediation, which had been deliberately protracted by Pakistan to demolish the Indian influence in the State. Nehru was also aware of the deep distrust, in the State, which the policies followed by the Conference leaders had generated and the efforts, which were made by a section of the Conference leadership to take advantage of the political instability in the State to convert it into a second Muslim republic."

Delhi Agreement

The high power delegation of the Conference leaders had long discussions with the Indian leaders including Nehru, over several crucial issues in regard to the constitutional relations between the Union and the State and the constitution of the State, including the abolition of the Dogra rule. The Conference leaders, appeared to insist upon changes in the constitutional organisation of the State, as a first measure to introduce reforms in the State Government, which would later be followed by changes in the constitutional relations between the State and the Union. As a matter of fact, the Conference delegation, sought the approval of the abolition of the Dogra rule and substitution of the ruler, by a chief-executive, who would be elected by the Constituent Assembly of the State and who would remain in office for a fixed tenure of five years, as proposed by the Basic Principles Committee of the Constituent Assembly.

The insistence of the Conference leaders, upon the abolition of the Dogra rule, was permeated by subtler motives. Sheikh Mohammad Abdullah and the other Conference leaders were aware of the fact that the Regent of the State, Yuvraj Karan Singh, possessed the powers and prerogatives which his father, Hari Singh was reserved by virtue of the Instrument of Accession. Hari Singh had reserved to himself authority to enter into fresh agreements with the Government of India, in respect of the constitutional relations between the State and the Union of India. The Government of India, could, in case, the necessity arose, conclude fresh agreements with the Regent in regard to the constitutional relations between the State and the Union. The abolition of the Dogra rule would dissolve the prerogatives of the ruler and permanently close the prospect of any agreement between the Government of India and the head of the State of Jammu and Kashmir without the approval of the Interim Government.

Nehru told the Conference delegation that piecemeal decisions could not be taken on isolated constitutional issues,

as they came up for consideration from time to time and it would be necessary to consider the entire constitutional organisation of the State in order that the constitutional arrangement inside the State as well as between the State and the Union of India were given some form of uniformity and finality. Nehru told the Conference delegation that:

- (i) changes in the constitutional organisation of the State would necessitate the integration of the State into the constitutional organisation of India and the application of the Constitution of India to the State, except in regard to the State government;
- (ii) the Constituent Assembly would frame the constitution for the government of the State;
- (iii) the constitution of the State would not incorporate provisions inconsistent with the basic structure of the Constitution of India.⁸

The position adopted by the Indian leaders had substantial justification. The decision of the Constituent Assembly of the State to abolish the Dogra rule, impinged upon the provisions of Article 370. Article 370 provided that the State Government was construed to mean "the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under Maharaja's proclamation dated the fifth of the day of March 1948." The Conference leaders, actually sought to change the provisions of Article 370, to secure a constitutional position for the head of the State which would change the provisions of the Constitution of India in respect of the State.

The Indian leaders agreed to accept the abolition of the Dogra rule and replacement of the ruler by a head of the State, who would be elected in such manner and for such term as the Constituent Assembly would determine. They also agreed to allow the State to have a separate national flag, and a separate constitution. However, they proposed the application of the provisions of the Constitution of India to the State, in

regard to, citizenship, fundamental rights, jurisdiction of the Supreme Court of India, emergency powers of the President of India and the financial relations between the Union and the States. Nehru assured the Conference leaders that the application of the Constitution of India to the State would ensure the people of the State, the rights and liberties and the legal protection the Constitution of India envisaged and remove the psychological barriers between them and the people of the rest of the country. He further pointed out to the Conference leaders that the financial integration of the State, would enable the Interim Government to stabilise the delapidated economy of the State and put it on an even course of future development.

The Conference leaders, however, refused to accept any extension of the Constitution of India to the State. Their main contention was that the Constituent Assembly of the State drew its powers from the people of the State and not the Constituent Assembly of India. Therefore, the Conference leaders claimed, that the Constituent Assembly exercised plenary powers to determine the form and nature of the constitutional instruments it would create, independent of the Constitution of India. They emphasised that except for the delegation of the powers to the Union, the Instrument of Accession stipulated, the State of Jammu and Kashmir retained its separate and independent identity. The Conference leaders claimed that the Jammu and Kashmir State did not form a part of the republic of India, and consequently it was not subject to the jurisdiction of the Union.

The Conference leaders objected to the application of the Indian citizenship to the State, on the ground that the provisions of the Constitution of India would impinge upon the State-subject rules, which prohibited non-State-Subjects from owning land and imovable property in the State and reserved services and scholarships exclusively for the State-subjects. The Conference leaders expressed the fears that the infringement of the State-Subject rules would adversely affect the economic

and political interests of the people of the State, who were economically and educationally backward.

The Conference leaders objected to the application of the provisions of the Indian Constitution in respect of the fundamental rights and related legal guarantees as well as the jurisdiction of the Supreme Court to the State, on the ground that the economic reforms, mainly the land legislation undertaken by the Interim Government, conflicted with the right to equality and right to property enshrined by the Constitution of India. Afzal Beg, who was deadily opposed to the application of the fundamental rights to the State for other political reasons, stunned the Indian leaders, when he told them that the extension of the jurisdiction of the Supreme Court of India would affect the personal law of the Muslims in the State.

Nehru assured the Conference leaders that the provisions of the Constitution of India in respect of citizenship and fundamental rights, would be extended to the State with such expectations as would save the State-Subject rules and the land reforms from any irreconcilability with them. He assured them further, that the original jurisdiction of the Supreme Court alone, would be extended to the State.

After long deliberation a settlement was finally reached between the Conference leaders and the Indian leaders. The settlement was embodied in an agreement, which later came to be known as the Delhi Agreement. The Agreement stipulated that the Dogra rule would be abolished and the ruler would be replaced by an elected head of the State, who would be recognised by the President of India. The Indian leaders accepted that the State would have a separate national flag, a separate official language, and a separate national emblem. It was also agreed upon that the residuary powers would remain with the State and the Constituent Assembly would frame a constitution for its government.

The Conference leaders agreed to accept the application of the provisions of the Constitution of India, in respect of the Indian citizenship, to the State with two exceptions that (a) the State Legislature would be reserved the powers to define the Permanent Residents of the State and determine and regulate their special rights, "in regard to the acquisition of immovable property, appointments to services and like matters;" and (b) special provisions would be made for the State-Subjects who had migrated to Pakistan in 1947, and who sought to return to the State for permanent settlement.

Agreement was reached that the provisions in regard to the fundamental rights and the related constitutional safeguards would be extended to the State, with exceptions which, saved the land reforms legislation undertaken by the Interim Government, and vested powers with the State Government to provide for certain special exigencies in the State. The agreement stipulated:

- (i) that the provisions of the Constitution of India in regard to the fundamental rights and related legal guarantees would be extended to the State, with exceptions so that the land reforms undertaken by the Interim Government were not affected;
- (ii) the original jurisdiction of the Supreme Court of India including its jurisdiction to enforce fundamental rights would be extended to the State.

During the deliberations, the Indian leaders proposed the application of the provisions of the Constitution of India to the State in respect of the emergencies arising out of a war, aggression and internal disturbance. In view of the reluctance of the Conference leaders to accept the proposals, the Indian leaders offered to make an exception in respect of emergency arising out of internal disturbances. The Conference leaders, cleverly, forestalled the issue and asked for some more time to consider the issue further. The Conference leaders avoided a settlement on financial integration as well, and told the

Indian leaders that the modalities of the financial integration of the State, would be finalised after further detailed deliberations with them.

Nehru sought an assurance from the Conference leaders that before the constitutional changes, embodied by the Delhi Agreement, were implemented, the Constituent Assembly would adopt a resolution which would reaffirm the accession of the State to India. Such a resolution, Nehru contended, would put many controversies about the Constituent Assembly and its powers to decide the disposition of the State, at rest.

Nehru sought a further assurance from the Conference leaders that the changes in the constitutional organisation of the State would be implemented simultaneously with the implementation of the other provisions of the Delhi Agreement. An understanding was also reached between Nehru and the Conference leaders that Yuvraj Karan Singh would be elected the first Sadar-i-Riyasat of Jammu and Kashmir.

The Delhi Agreement was placed on the table of the Constituent Assembly of the State on 11 August, 1952. In his address, Seikh Mohammad Abdullah gave a version of the Agreement, which varied from the stipulations of the actual Agreement. He stated in the Constituent Assembly that the Agreement envisaged tentative decisions and that the Constituent Assembly would determine the final form of the constitutional relations between the State and the Union of India. He stated: "Here I would like to point out the fact that Article 370 has been mentioned as temporary provision in the Constitution does not mean that it is capable of being abrogated, modified, replaced unilaterally. In actual effect the temporary nature of this Article arises merely from the fact that the power to finalise the Constitutional relationship between the State and the Union of India has been specially vested in Jammu and Kashmir Constituent Assembly. It follows that whatever modifications, amendments, or exceptions, that may become necessary either to Article 370 or any Article in the

Constitution of India in their application to the Jammu and Kashmir State, are subject to the decisions of this sovereign body.⁹

An acrimonious debate followed in the Constituent Assembly. Many members of the Assembly voiced their disapproval of the application of the Constitution of India to the State in respect of citizenship, fundamental rights and the jurisdiction of the Supreme Court. They expressed serious misgivings about the stipulations of the Delhi Agreement, which they feared would pave the way for the abrogation of Article 370 and the integration of the State into the constitutional organisation of India.¹⁰

The more critical comments on the Delhi Agreement were made by the members of the Constituent Assembly close to Afzal Beg and Sheikh Mohammad Abdullah. Starting disclosures were made, that many of the speeches delivered in the Assembly, were based upon the briefings received from Beg. Both Beg and Sheikh Mohammad Abdullah sought to arouse the Muslim opinion against the Delhi Agreement. The pretentious claim to freedom and the Muslim identity of the State made in the Assembly, were orchestrated with perfect theatrical effect. Afzal Beg assured the members of the Assembly, that Article 370 of the Constitution of India was provisional in nature, because, the finality of the constitutional relations between the State and the Union of India were subject to the decision of the Constituent Assembly. Beg covertly suggested that the provisional nature of Article 370, emanated from the provisional nature of the accession of the State to India. "Nobody here," Beg stated in the Assembly, "could entertain the idea that Kashmir will be dragged to the position of Part B States. I may make it clear on the floor of the House that Kashmir will never come to the position of Part B States. We have good reasons for that."

Shortly after the Assembly session, a widespread campaign denouncing the Delhi Agreement was initiated by the rank of

file of the Conference. The Conference cadres, with members of the Constituent Assembly in the vanguard openly expressed their dissatisfaction with the stipulations of the Agreement and alleged that the application of the Constitution of India in regard to the citizenship, fundamental rights and the jurisdiction of the Supreme Court, would destroy the Muslim majority character of the State.

The Drafting Committee of the Constituent Assembly, presented its report to the Assembly on the future of the Dogra rule and the election and tenure of the President of State, the Sadar-i-Riyasat on 19 August 1952. A draft resolution which embodied the proposed changes and amendments in Jammu and Kashmir Constitution Act of 1939, was appended to the report of the Committee. The report of the Committee along with the resolution was approved by the Constituent Assembly on 21 August 1952. The resolution stipulated that the head of the State, would be elected and recognised by the President of India, that he would remain in office for a period of five years, and that he would exercise such powers as were exercised by the ruler of the State.¹¹

During the deliberations at Delhi, an understanding was reached between the Conference leaders and the representatives of the Government of India, that any constitutional change brought about by the Constituent Assembly would be preceded by a resolution of the Assembly, reaffirming the accession of the State to India. The Constituent Assembly did not adopt the resolution. In Delhi, the Conference leaders, had accepted that the Delhi Agreement would be implemented in its entirety and the provisions of the Constitution of India would be extended to the State, simultaneously with the changes, in the constitutional organisation of the State. Uneasy days passed by but the Constituent Assembly did not proceed to implement the other provisions of the Delhi Agreement, nor did it adopt the resolution affirming the accession of the State to India.

Disquieting rumours circulated in the State and the Indian

capital. Intelligence reached the Government of India the Sheikh Mohammad Abdullah was no longer inclined to elect Yuvraj Karan Singh the Sadar-i-Riyasat, and he was secretly preparing to install a Hindu from the Jammu province, who belonged to the Scheduled Castes, instead. Sheikh Mohammad Abdullah aimed to win to his side the lower castes among the Hindus in Jammu to neutralise the resistance the Hindus offered to the policies, the National Conference had embarked upon.

Nehru felt sore over the developments in the State and conveyed to the Conference leaders that the Government of India would recognise none else than Karan Singh as the President of the State. He also conveyed to the Conference leaders that if they were not prepared to elect Karan Singh, the Government of India would not allow the termination of the Regency.¹²

Silence fell on the scene for some time. The Government of India, conveyed its concern to the Interim Government over the fact, that no steps were being taken to implement the other stipulations of the Delhi Agreement and the Constituent Assembly had yet to adopt the resolution to reaffirm the accession of the State to India, which had been accepted as a precondition to any constitutional change in the State.

Sadar-i-Riyasat

Delhi Agreement was received with disgust by the Hindus and the other minorities. They harboured grave apprehensions about the separate constitutional organisation of the State which they alleged was aimed to consolidate the secessionist forces. The reaction of the Hindus in Jammu was actively hostile. The Agreement caused considerable consternation to the Buddhists in Ladakh as well, who were opposed to any half-way measures, which did not lead to the integration of the frontier division with the Indian Union.

The Hindus in Kashmir, were distressed by the Delhi

Agreement and the events which followed it. They denounced the Delhi Agreement as a surrender to Muslim communalism. They were a witness to the betrayal of the ideals, the National Conference had espoused. They realised more clearly than anybody else, the intentions of the Conference leaders, whose pronouncements had caused enough uncertainty among the people in the State. Several of their leaders, conveyed their disapproval of the arrangements envisaged by the Delhi Agreement. "We warned the Government of India, that any further delay in the integration of the State with India, the process of rapid communalisation of the society in the State and the political isolation of the Kashmiri Pandits, was, ultimately aimed to carve out an independent State of Jammu and Kashmir. The Muslim officials, Conference activists, the newly formed rich classes of the Muslim society and a large section of the Muslims, who supported the accession of the State to Pakistan, openly canvassed support for an independent State of Jammu and Kashmir. For the Kashmiri Pandits and Sikhs, the independence of Kashmir was bound to bring them the deluge.

The Hindus in Jammu, constituting a majority in the Jammu Province, protested against the Delhi Agreement, which they claimed confirmed the exclusion of the State from the Indian constitutional organisation. The Praja Parishad reactivated its cadres for a civil disobedience movement, which they pledged to launch if the Government of India did not put an end to the widespread political uncertainty which prevailed in the State and integrate it with the rest of the country. The Parishad emphasized that India was one nation and the Jammu and Kashmir State, an integral part of the Indian nation, could not be governed by a separate constitution, fly a separate flag and have a separate President.

The Parishad leaders alleged that the Delhi Agreement would perpetuate the communal imbalances, which the Interim Government had engendered in the State, "The Parishad leaders further alleged that the Delhi Agreement would perpetuate

the Provincial dominance of the Kashmir over the regions of Jammu and Ladakh and aggravate the communal imbalances which the Interim Government had fostered in the State. The Parishad demanded:¹³

- (i) the Jammu and Kashmir State should be fully integrated in the Indian Union;
- (ii) the State should be brought within the constitutional organisation of the Indian Union and the application of the Constitution of India should be extended to the State in its entirety;
- (iii) the jurisdiction of the Supreme Court of India should be extended to the State without any reservations;
- (iv) the customs barriers between the State and the Indian Union should be abolished;
- (v) the division of powers between the State and the Union should be determined by the Seventh Schedule of the Constitution of India;
- (vi) free and fair elections should be held to the Constituent Assembly of the State;
- (vii) an impartial tribunal of enquiry should be instituted to investigate the charges of corruption against the Interim Government;
- (viii) in case the State was not fully integrated with the Indian Union, Jammu Province and Ladakh should be separated and merged with India, leaving the Province of Kashmir free to limited accession, Article 370 envisaged.

The Praja Parishad demand for the termination of the separate political organisation of the State and its integration in the Indian constitutional structure evoked widespread support in the entire country. The major Hindu political organisations in India, including the *Bhartiya Jana Sangh*, pledged their support to the Parishad. Most of the Hindu organisations expressed the fears that the claim to a separate political identity for Jammu and Kashmir on the basis of the

Muslim majority character of its population, would eventually lead to the growth of Muslim separatism in the State, which would be exploited by Pakistan to further its territorial interests in the north of India. Many of the organisations charged the Interim Government and the Government of India of seeking to add to the deep instability prevailing in the State which the exclusion of the State from the Indian political culture, had engendered.

The Conference leaders condemned the Praja Parishad movement as an expression of Hindu communalism and a part of the wider resurgence of Hindu reaction in India. They accused the Parishad of conspiracy to undo the autonomy of the State and its separate political identity, which the people of the State considered the sole guarantee of their freedom. They alleged that the Praja Parishad movement was aimed to forestall the decision of the Interim Government to abolish the Dogra rule and undo the economic and political reforms, the Interim Government had undertaken.

The Constituent Assembly terminated the regency of Yuvraj Karan Singh in November 1952. The Yuvraj was elected the *Sadar-i-Riyasat*. When Karan Singh arrived in Jammu, after he was installed in his new office, he was greeted with black flags by the Praja Parishad demonstrators. The Parishad charged Karan Singh of having betrayed the trust which had been reposed in him as the Regent of the State.¹⁴

After the termination of the Dogra rule, the National Conference did not adopt any measures to implement the other provisions of the Delhi Agreement. The Conference leaders did not move any resolution in the Constituent Assembly to reaffirm the accession of the State to India, which the Conference leaders had agreed to adopt before the provisions of the Delhi Agreement were implemented by the Assembly. Instead, Sheikh Mohammad Abdullah instructed the Drafting Committee of the Constituent Assembly to proceed ahead with the task of framing the draft constitution of the

State. He, however did not give the Committee any directions to incorporate the stipulations of the Delhi Agreement in the draft constitution. He advised the Committee to reexamine the political arrangement which the Delhi Agreement envisaged. He asked the Drafting Committee to submit its report to the Working Committee of the National Conference. "Sheikh Sahib instructed us to prepare drafts of the Constitution of the State. After a great deal of cutting and pruning, several drafts were drawn up. Beg Sahib drew up a separate draft. Professor Bhan also prepared a draft. Sheikh Sahib asked us to place all the drafts before the Working Committee. Before the drafts were presented to the Working Committee we went to Jammu to meet Bakhshi Sahib and showed him the drafts. Bakhshi Sahib said that the drafts would set India ablaze, because the Indian people would clearly see that Kashmir wanted to leave India. A crisis would follow."¹⁵

The drafts were placed by the Drafting Committee before the Working Committee of the Conference. After an inconclusive debate in the Working Committee, Sheikh Mohammad Abdullah constituted a Legal Experts Committee of the members of the Working Committee, to examine the various drafts and report on them. The Committee was constituted of Mirza Afzal Beg, Gulam Mohammad Sadiq, Syed Mir Quasim, Abdul Gani Goni and Gulam Mohiudin Hamdani. The Hindu and Sikh members of the Working Committee were not included in the Legal Experts Committee. The Committee did not function smoothly, and before it was able to evolve any framework of the constitution of the State, it was wound up.¹⁶

Meanwhile reports trickled out of Srinagar about meetings, held secretly, between the Conference leaders and several senior American statesmen. Reportedly, the Conference leaders solicited support from the United States of America for the independence of the State. They sought to assure the American diplomats that independence of the State was the only way to bring lasting peace to the sub-continent and satisfy the

aspirations of the Muslims of Kashmir. Many years later, evidence came to surface that the reports about confabulations in which the American statesmen were involved, were largely true.

The Conference leaders met Adlai Stevenson on 1 May, 1953. A second meeting between them was held the next day. Later the Conference leaders had several meetings with Loy Henderson, the American Ambassador to India. *The Times*, London, observed, "Sheikh had made it clear that he was as much opposed to the domination of India as to the subjugation of Pakistan. He claims sovereign authority for the Kashmir Constituent Assembly, without limitations by the Constitution of India and this stand has strong appeal to Kashmir on both sides of the cease-fire line, and if this movement of purely Kashmir nationalism was to gain ground it might well oblige India, Pakistan and U.N. to modify their views about what ought to be done next."

The American Secretary of State, John Foster Dulles paid a visit to the Indian subcontinent in the last week of May. Reports about his visit revealed that he favoured the independence of the State. *The New York Times* commented: "The solution of Kashmir dispute envisaged a special status for the Kashmir Valley, possibly independence, guaranteed by both countries, and partition of the rest of the State along lines occupied by the opposing armies under cease-fire agreement." The comment added: "It is rumoured that U.S. Secretary of State, Dulles, supported the solution of this nature for the long outstanding quarrel."

While the western powers were secretly seeking to include Jammu and Kashmir into an Asian alliance — system to contain communism, the communists in India and the left factions in the National Conference, followed a course aimed to secure Soviet interests across the Himalayas. They conjured up national divisions in India, which they claimed represented the Indian nationalities. Among them, the communists

visualised the Muslims of Jammu and Kashmir as a nationality, whose struggle for self-determination was aimed at "the realisation of freedom, democracy and peace, for the end of monarchy, for people's democratic state and for friendly relations with the Soviet Union, the People's Republic of China and other neighbouring Countries." The Communist Party of India denigrated the Delhi Agreement and accused the Indian Government of using pressure to subvert the movement for freedom of the people of the State, which Sheikh Mohammad Abdullah led. "The march of the people towards democracy," the Communist Party official news-journal commented, "alarmed New Delhi. The sceptre of its inspiring examples for the people of the other States in India and its repercussions on them hovered over New Delhi. Hence the feverish negotiations. Gone is the pledge of the Nehru Government to respect the sovereign will of the Kashmir people through their Constituent Assembly. The Assembly's function is only to register the decision of the Government of India and the Indian Government will parade it before the world as the democratic will of the people of Kashmir. "The news journal added, "It is clear that Sheikh Mohammad Abdullah and Kashmir leaders are subject to tremendous pressure of the Government of India." The comment continued, "The Kashmiri delegation is being forced to accept Government of India terms."

Sheikh Mohammad Abdullah played his part adroitly well. He played double with the Communists too, assuring them that his quest for the freedom of the State was motivated by the desire to uphold self-determination of the nationalities in India, which he emphasised would lead the people of Jammu and Kashmir to revolutionary struggle against imperialism.

After the Delhi Agreement was signed, several leaders of the Communist Party of India chided Sheikh Mohammad Abdullah for having surrendered to Nehru. Sheikh complained that he had been coerced to accept the terms of the Agreement.

The left leaders, inside the National Conference, gloated over the "historical role" they claimed, they played to convert Kashmir into a base for revolutionary change in India as well as Pakistan with the help of Soviet Union and China. The left flanks in the National Conference, claimed in utter self-conceit, that Kashmir would become the "Yinan of India."

The shift in the outlook of the National Conference had a devastating effect on its leadership. A section of the leaders and cadres of the Conference, favoured accession of the State to Pakistan and extended its support to Sheikh Mohammad Abdullah only to the extent, he symbolised resistance against India. They did not approve of the division of the State by virtue of which the occupied territories would be merged with Pakistan and the trans-Chenab regions of the Jammu Province would be integrated with India, separating the Kashmiri-speaking Muslims into an independent State. A large section of the National Conference leadership was frightened by the large scale internecine strife, that would inevitably follow any conflict with India. They feared retaliatory action from the Hindus and the Sikhs in Jammu and Ladakh, which would bring disaster to the Muslims in the Jammu Province and isolate the Kashmiri-speaking Muslims. They did not support the independence of the State, which they alleged would destroy the unity of the Muslim of the State, as well as end its Muslim majority character. They too favoured a settlement with Pakistan as an alternative to India, but harboured severe doubts about the movement for the independence of the State.

Pakistan too had its own stakes in the crisis that was brewing in the State. Pakistan had encouraged the Conference leaders in their quest for independence, mainly to break up the consensus in the Conference on the accession of the State to India, and isolate Sheikh Mohammad Abdullah from the Muslims who favoured Pakistan as well as the Hindus and the other minorities who supported the accession of the State to India. The Government of Pakistan was aware of the fact

that the movement for independence was bound to destroy the foundations of the National Conference and consume the Conference in its flames. The disintegration of the Conference and the communal divide which would inevitably follow the shift in the ideological commitments of the National Conference would leave the field open for the pro-Pakistan forces to operate. Finding the time ripe to strike at the roots of the Conference, Pakistan pressed its supporters in the State to insist upon the option of self-determination and accession to Pakistan. As the Pro-Pakistan forces and the section of the Conference leaders turned against independence, Sheikh Mohammad Abdullah and his supporters were strung in the middle. Afzal Beg made feverish attempts to convince Pro-Pakistan Muslim factions, which he had helped to grow into a formidable force, that his demand for the independence of the State would ultimately lead to the self-determination of the Muslims of the State. But, the pro-Pakistan elements followed their own direction. They denounced India; they denounced the independence of the State as well. From Azad Kashmir Radio in the occupied territories, they broadcast to the Muslims of Kashmir, exhorting them to fulfil their duty ordained upon them by divine dispensation and unite for their freedom which had been usurped by India.

The rapidly deteriorating situation in Jammu and Kashmir alarmed the Congress leaders. Nehru arrived in Kashmir in May 1953, while the rumours about the shift in the outlook of the National Conference circulated faster. In Srinagar, he had a long meeting with Sheikh Mohammad Abdullah. He expressed strong disapproval of the pronouncements of the Conference leaders about the future constitutional organisation of the State, its relations with India and its future affiliations. He told Sheikh Mohammad Abdullah that the Government of India did not approve of the separatist trends which had grown in the National Conference and which the Interim Government had failed to suppress. He emphasised that the Government of India had "no intention of interfering with

the internal affairs of the State so long the State was a part and parcel of India." Nehru handed over a note to Sheikh Mohammad Abdullah in which he conveyed to the Conference leaders, stipulating the considered opinion of the Government of India in regard to the constitutional issues, which had become an object of controversy in the State. Nehru accused the Conference leaders of having abandoned their commitment to support the accession of the State and preaching independence of the State. Nehru denounced the independence of the State as a dangerous proposition which would embroil the whole subcontinent into a wider conflict. "He conveyed to Sheikh Mohammad Abdullah that he would prefer to handover the State to Pakistan on a platter rather than support its independence and allow it to be turned into a centre of international intrigue and endanger both India and Pakistan." In his communication, Nehru stressed the need to integrate the State in the constitutional organisation of India, and extend to the State the application of the provisions of the Constitution of India in respect of citizenship, fundamental rights, jurisdiction of the Supreme Court and the division of powers on the basis of the Delhi Agreement.¹⁷

Nehru also attended a meeting of the Working Committee of the National Conference, which had virtually to approve the Delhi Agreement. Bakhshi Gulam Mohammad and Gulam Mohammad Sadiq apprised him of the deep division in the Conference leadership on the basic issues, involving the future disposition of the State, its relations with the Union of India and its constitutional organisation. They admitted that a section of the Conference leadership supported the independence of the State. They informed Nehru that they along with a section of the Conference leadership considered independence of the State as an untenable proposition and favoured a readjustment of the constitutional relationship between the Union and the States. Nehru informed Bakhshi and Sadiq of his conversation with Sheikh Mohammad Abdullah and gave them an account of the contents of the brief he had handed over to the latter.¹⁸

After Nehru's departure uncertainty deepened in the State. Reportedly, Nehru sought the opinion of the Conference leaders, which would provide him a general guideline in his discussions with the Prime Minister of Pakistan, scheduled to be held in July. Perhaps, he attempted to reassure the Conference leaders that the Government of India would not accept any settlement with Pakistan which the National Conference did not approve. Intriguingly enough, Nehru did not seek the opinion of the Hindus and the other minorities, though he had adequate information that the political base of the National Conference had narrowed down to the Kashmiri-speaking Muslims, alienating the Hindus, the Sikhs and Buddhists, who constituted a little less than half the population of the State.

Nehru received several proposals from the Conference leaders, which they claimed provided "possible alternatives for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan." The proposals envisaged:¹⁹

- (i) plebiscite, which would elicit opinion on (a) accession to Pakistan, (b) accession to India and (c) independence of the State;
- (ii) independence of the State, including the territories under the occupation of Pakistan;
- (iii) independence of the whole State which would be subject to the joint control of India and Pakistan;
- (iv) Dixon plan, with independence for the area, where the plebiscite was proposed.

The Dixon Plan envisage the trifurcation of the State: the integration of the Hindu majority districts of the Jammu.

Province with India; the merger of the occupied territories of Azad Kashmir with Pakistan and plebiscite in the Kashmir Valley and the Muslim majority districts of the Jammu province. The Dixon Plan virtually proposed the secession of almost the entire State from India, except the Hindu majority districts of

Jammu Province, east of the Chenab river.²⁰

The proposals made by the Conference leaders, virtually repudiated the accession of the State of India. The proposals demonstrated that the Conference leaders used the accession of the State to India to countermand the claim Pakistan laid to the State on the one hand, and on the other hand, use the Muslim majority character of its population to ensure the exclusion of the State from the Indian political organisation in order to prepare the ground for its independence. A Muslim State of Jammu and Kashmir under the protectorate of India, till its final disposition was decided by a plebiscite, kept the door open for the secession of the State from India and its eventual independence.

Nehru invited Sheikh Mohammad Abdullah to Delhi for talks. Abdullah expressed his inability to leave the State in view of the distraught political situation prevailing there.

Nehru sent Maulana Azad to Srinagar to persuade the Conference leaders to accept his proposals to negotiate a settlement of the differences that had cropped up between them and Conference leaders, that the Government of India would recognise the separate political identity of the State, as a basis for a settlement with them. Azad followed the same course to deal with the Muslim majority state of Jammu and Kashmir, which he had adopted to provide the foreground to the Cabinet Mission Plan in 1946. In his negotiations with the Cabinet Mission, he had offered to accept the separate political identity of the Muslim majority provinces in India as a basis for the Indian unity. The acceptance of the "Grouping" of the provinces, the Cabinet Mission envisaged, led to disastrous consequences. His attempt to buy the Muslim support in Jammu and Kashmir, by accepting to recognise its separate political identity which did not form a part of the constitutional organisation of India, led to consequences, which were devastating. The Conference leaders ignored his remonstrations for a compromise.

Azad was in Srinagar on the day of the *Id*, the Muslim festival. He went to attend an *Id* congregation at *Idgah*, the local Muslim prayer ground in the city. The *Id* congregation was a purely religious affair and offered no occasion for him to unfold his scheme of autonomy, which he had been entrusted to convey to the Muslims in Kashmir. Azad swore by secularism; but in Jammu and Kashmir, he did not shirk from using the pulpit to communicate with the Muslims, a tradition, which had been used as an effective instrument by the National Conference. Indeed, he ardently supported the recognition of the communal precedence of the Muslim majority in Jammu and Kashmir, though he vehemently opposed the acceptance of the precedence of the communal majorities in any other Indian State, where the Muslims were in minority.

Azad received a rebuff, for when he rose to address the *Id* congregation, the people, who had heard Sheikh Mohammad Abdullah in rapt attention, broke away and quickly dispersed. Azad stood on the pulpit dumbfounded.

After his return, Azad took another fateful step. He sent a long communication to Sheikh Mohammad Abdullah in which he conveyed to the Conference leaders, the readiness of the Government of India, to declare the special provisions envisaged by the Article 370, permanent and unalterable.

Sheikh Mohammad Abdullah rejected Azad's offer. He wrote to Azad: "It should not be forgotten that this is temporary or provisional relationship as the contending parties have yet to settle the future of the State according to the wishes of the people." Abdullah wrote further: "Although such a declaration would be welcome, it remains to be seen if it would draw the support of the different sections of people in India and parties in Kashmir. You would appreciate that without such support, this declaration would not suffice to dispel the fears that have arisen in the minds of people of Kashmir. A big party in India still forcefully demands merger of the State with India. In the State itself Praja Parishad is threatening to resort to direct

action if the demand for State's complete merger with India is not conceded."²¹

In a clever manoeuvre, Sheikh Mohammad Abdullah sought to use Hindu agitation in the State and the widespread sympathy it aroused among the Hindus in India, to reject the declaration, Azad proposed. Evidently, no government of India could silence the opposition, rife among the Hindus in India, against the Muslimisation of the State, which its separate political identity virtually underlined. Sheikh Mohammad Abdullah demanded from Azad an assurance that the Hindus in Jammu and Kashmir, would submit themselves to the servitude of a Muslim State, the National Conference sought to establish. Since no such assurances could be secured from the Hindus in India and Jammu and Kashmir, the National Conference could not rely on the declaration Azad proposed. Abdullah wrote to Azad: "I do not understand how in the face of this stiff opposition, your proposed declaration would be able to reconcile different points of view that have arisen concerning the issue of Indo-Kashmir relationship. Assuming such an agreed solution to be possible, it still had to be seen if the resultant beneficiary would accrue equally and fairly to all sections of people in the State."²²

Sheikh Mohammad Abdullah wrote to Azad, that the Conference leaders, had evolved, after due deliberation, alternative proposals for a settlement of the Kashmir dispute. Beg and Bakshi Gulam Mohammad, Abdullah informed Azad, were deputed to convey the proposals to him. Abdullah expressed fears that a plebiscite, to which India was committed, would lead to many difficulties because of the mixed population of the State. The National Conference, he informed Azad, proposed alternatives which could form the basis of a settlement of the dispute, acceptable to all parties. Interestingly, the alternative proposals revolved round the Dixon Plan, which sought the division of the State between India, Pakistan and the Muslims of the Kashmir Valley. He wrote to Azad: "Naturally only that solution will be satisfactory which is

honourable and acceptable to all parties concerned. Today, the contending parties are, between themselves and internationally, committed to the principle of free and impartial plebiscite. Mixed population would naturally give rise to many difficulties and real problems. We have carefully weighed the various pros and cons and have reached certain conclusions after careful deliberations over these matters. Bakshi Sahib and Beg Sahib have been directed to convey these decisions to you."²³

After the Conference leaders had conveyed to Azad their preference for independence of the Kashmiri-speaking Muslims, they launched a tirade against India and accused the Indian people of attempting to usurp the freedom of the people of Jammu and Kashmir. On 13 July 1953, on Martyres Day, Sheikh Mohammad Abdullah told a Muslim congregation at the Martyres Memorial in Srinagar in the Muslim Shrine of Nakshband at Khanyar that the support India had given to the Praja Parishad had violated the agreements between the National Conference and the Government of India. He also claimed that the people of the State had made sacrifices for their own freedom and they did want to bring about the accession of the State to either of the two States, India and Pakistan. On 25 July 1953, Sheikh Mohammad Abdullah told a rally of the workers of the National Conference, that the demand for the integration of the State in the Indian constitutional organisation had shaken the faith of the Muslims in the accession of the State to India.

On 6 August 1953, a statement was issued to the Press by Maulana Syaed Masoodi, the General Secretary of the National Conference. The Maulana stated:²⁴

"The fact of the matter is that there is a deliberate attempt on the part of those who do not view Kashmir's present position with favour, to cloud the real issue so as to escape responsibility for the harm that has been caused to the Indo-Kashmir relationship by the support given to the recent agitation

of Kashmir's merger with India. The real issue, it should be realised, is that there are people in India, who are not prepared to see Kashmir maintain its existing position. They are angry that Kashmiris should remain aloof both from India as well as Pakistan; one should not work on self up necessarily to see this view being expressed. Instead, it should be examined dispassionately. Then only can there be possible a correct appraisal of the situation in Kashmir. If Kashmiris rose as one man against Pakistan, it was because they saw that, that country wanted to force them into a position which they were not prepared to accept. If today demands are made in India which endanger the present autonomous position of the State and realising this danger, the people of Kashmir feel inclined towards a third alternative, it is not they who should be blamed for it but those who are the root cause of it. It will not do to point out the defects of this or that alternative. What is required is to remove the causes which have led to this line of thinking. All those people in India, who are honestly interested in Kashmir and India thrive together on the basis of a willing, not forced association should come into the field and organise the Indian public opinion against this movement for the merger of the State. The communal and reactionary forces, within the State who have made Sheikh Abdullah's task difficult should be exposed and no quarter given to them. The difficulties referred to by Sheikh Sahib in his recent speeches should be appreciated clearly and honest efforts made to remove them. Above everything else those who are thinking in terms of solving the difficulties by creating dissension within the National Conference should realise that the people of Kashmir, who the National Conference has the privilege to represent, will not countenance any such move from any quarter. Such tactics as these are not going to help a solution of the problems confronting India and Kashmir. Never before has there been a greater need for a clear understanding of the Kashmir problem as it is today."

Masoodi, with an incredible sense of self-righteousness,

claimed for the Muslims of Kashmir the right to search for fresh alternatives to the accession of the State, because they were "inclined to keep aloof from India as well as Pakistan." He accused the reactionary forces, in India, mainly the Hindus of having made the task of the National Conference difficult by making demands for full integration of the State with India. Masoodi exhorted the people of India to organise Indian opinion, in support of the Independence of the State which would lead to a willing association between India and Jammu and Kashmir.

Dismissal of Sheikh Mohammad Abdullah

Masoodi's statement delivered a stunning blow to the Government of India. By the time, Masoodi's statement appeared in the Press, the Indian Government, had decided to dismiss the Interim Government. A secret understanding had been reached with Bakhshi Gulam Mohammad and Gulam Mohammad Sadiq, who did not support Sheikh Mohammad Abdullah, about the dissolution of the Interim Government and the dismissal of Sheikh Mohammad Abdullah. Decision had also been taken that Bakhshi Gulam Mohammad would constitute the new Interim Government.

The Indian Government was aware of the upheaval, the dismissal of Sheikh Mohammad Abdullah would cause. The first Interim Government had prepared the Muslim opinion for the secession of the State, allowed the pro-Pakistan forces to reconsolidate their strength, and Muslimised the whole administration and bureaucracy to ensure its support. Expectedly, the dissolution of the Interim Government was bound to have far-reaching repercussions on the Muslim opinion in the State. With the widespread network of the intelligence agencies of Pakistan operating in the State, the secessionist forces, now joined by a section of the National Conference leadership had assumed formidable strength. The optimism, the Indian Government had harboured about a referendum, envisaged by the United Nations resolution, was dashed to the ground.

The Congress leaders had, once again, erred in reading the real character of Muslim communalism. They had repeated their mistake to recognise Muslim communalism as a factor in the balance of power, which they had devised as a basis for the constitutional relationships between a secular India and the Muslim majority State of Jammu and Kashmir. Nehru supervised the whole operation to remove Sheikh Mohammad Abdullah personally.

Second Interim Government

Major General Hira Lal Atal was the Commander of the 21 communication Zone, later known as the Fifteen Corps. Atal commanded four divisions of the Indian army, spread over nearly 310 miles of the Indian frontier from Tithwal in the West and Chushul in the East and Pathankot in the South. Atal, a Brigadier in the Indian Army, was deputed as the Liaison Officer, with the contingents of the First Sikh Regiment, airlifted to Srinagar on 27 October in 1947. Nehru summoned Atal to Delhi in the middle of July 1953. A Conference was held by Nehru with Atal in the presence of the Commander of the Indian Army. Nehru told Atal that the situation in the State was far from normal and the continuation of the present government in the State was fraught with danger. "I am not very happy with the happenings in Kashmir," Nehru confided in Atal, "and I wish you to be vigilant and to be of all assistance, that you can to the Government of the State."²⁵

Atal brought into Srinagar, a sizable number of troops in a neat operation. The troops were evidently, meant to be deployed on internal security duty on 7 August 1953. Atal had a meeting with Bakhshi Gulam Mohammad. Atal had received information from his Divisional Commander that the State Government had taken the decision to dismiss the Interim Government and arrest Sheikh Mohammad Abdullah during the night of 9 August 1953. He was also informed that Sheikh Mohammad Abdullah would be interned at the Government Guest House, Udhampur.

Sheikh Mohammad Abdullah was arrested at Tangmarg, a hill-resort in the close vicinity of Srinagar, during the night of 9 August 1953. The Sadar-i-Riyasat, Yuvraj Karan Singh instituted a new Interim Government with Bakshi Gulam Mohammad as the Prime Minister. Beg and several other leaders of the National Conference were also put under arrest. The Army Commander and the Sadar-i-Riyasat kept Nehru regularly informed about the developments in the State.

Widespread rioting followed the deposition of Sheikh Mohammad Abdullah. The whole pro-Pakistan underground, the Muslim bureaucracy, the Muslim middle class, the flanks of mercenaries reared by the National Conference and the Muslim clergy, joined the rank and file of the National Conference in protest against, "subversion of democracy in the State." Masses of Muslim demonstrators, which clashed with the Indian security forces at many places called for the withdrawal of the Indian troops from the State and demanded the implementation of the plebiscite under the aegis of the United Nations.

The demonstrators asked the Muslims of the State to prepare for a crusade against India. In their protest against India, the National Conference cadres were joined by the flanks pro-Pakistan activists, who had consolidated their strength considerably due to the drift in the Interim Government and the agents of Pakistan who operated a widespread network of intelligence agencies in the State. The Indian leaders grouped in the dark; they did not muster courage to face the Muslim reaction with resoluteness and reject Muslim separation as a basis for a settlement of the future of Jammu and Kashmir. They held out assurances that India would neither abandon its pledges to a plebiscite in the State, nor repudiate its commitment to accept Muslim precedence as a basis of the Constitution of the State. The National Conference leaders and their supporters swore vengeance against Bakshi Gulam Mohammad and the Conference leaders and cadres, who

supported the second interim Government. The paul of fear was broken by the Hindus in Kashmir, who swarmed into the streets, in support of the second Interim Government. Muslims joined them later, after they had drawn their price from Bakshi Gulam Mohammad.

Bakshi Gulam Mohammad was a shrewd politician and he did not take long to establish his hold over the National Conference. In September 1953, the General Council of the Conference approved the change in the Conference leadership and elected Bakshi, the President of the Conference. Simultaneously he assumed the office of the Chairman of the Muslim Endowment Trust, the Awkaf Islamia. On 5 October, the Constituent Assembly adopted a vote of confidence in the second Interim Government. Bakshi used intimidation and appeasement in equal measure, to win over the Muslims to his side. He achieved his first success, when he secured the vote of confidence in the Constituent Assembly. Only five members of the Constituent Assembly, including Sheikh Mohammad Abdullah and Afzal Beg, who were in prison, did not participate in the deliberations of the Assembly.

The Constituent Assembly reconstituted the Basic Principles Committee and the Advisory Committee on citizenship and Fundamental Rights, the Steering Committee and the Drafting Committee. The Delhi Agreement concluded between the Conference leaders and the representatives of the Indian Government in 1952, which was still pending implementation was referred to the reconstituted Committee for consideration. A Joint Sub-Committee of the Basic Principles Committee and the Advisory Committee on Citizenship and Fundamental Rights was constituted on 4 January 1954, to re-examine the stipulations of the Agreement, before it was implemented. The Joint Sub-Committee presented its report to a joint session of the Basic Principles Committee and the Advisory Committee on Citizenship and Fundamental Rights on 22 January 1954. On 3 February 1954, Syed Mir Quasim

presented the report of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship to the Constituent Assembly.

The report of the Basic Principles Committee stipulated that the constitution of the State would envisage a parliamentary form of government, in which the Council of Ministers would be responsible to the State Legislature. The State Legislature would be elected on the basis of universal adult franchise. The Basic Principles Committee recommended further, that the people of the State would have the right to develop, their language, culture and script, and the official languages of the State would be Urdu and English.²⁶

The Advisory Committee on citizenship and Fundamental Rights recommended the extension of the provisions of the Constitution of India in regard to citizenship, Fundamental Rights and the jurisdiction of the Supreme Court, to the State, in accordance with the terms of the Delhi Agreement. Abdul Gani Goni, one of the members of the Basic Principles Committee and the Advisory Committee on Fundamental Rights, presented a dissenting note to the Constituent Assembly.²⁷ In his note of dissent, Goni proposed:

- (i) Jammu and Kashmir should be reserved the right to secede from the Indian Union;
- (ii) the jurisdiction of the Supreme Court of India should not be extended to Jammu and Kashmir;
- (iii) the people in Jammu and Kashmir should be vested with the right to recall their representatives from the State Legislature.

The reports of the Basic Principles Committee and the Advisory Committee were approved by the Constituent Assembly on 6 February 1954. Abdul Gani Goni walked out of the Assembly in protest.

The recommendations of the Constituent Assembly were

communicated to the President of India. On 14 May 1954, the President of India issued a proclamation, which incorporated the recommendations of the Constituent Assembly.²⁸ Accordingly, the provisions of the Constitution of India in regard to citizenship, Fundamental Rights and the related legal guarantees, jurisdiction of the Supreme Court, the provisions pertaining to the Government of India were extended to Jammu and Kashmir with exceptions and reservations, which vested the State Legislature with arbitrary powers, to circumvent the right to equality and the right to protection against discrimination. The most significant part of the President's proclamation was the reorganisation of the federal division of powers between the State and the Union. The Union Parliament was empowered to legislate on the subjects in the Union List of the Seventh Schedule, except the subjects, which, included the Central Bureau of Investigation, Preventive Detention, elections to the Parliament, Census, and Audit and Accounts. Provision of the Constitution of India in regard to the powers of the President to impose a state of emergency in the State arising out of war and external aggression, were also extended to the State.

The President's Proclamation was a half-way measure, which envisaged only partial application of the Constitution of India to the State. Powers were reserved for the State Government, which circumscribed the Fundamental Rights and legal guarantees, embodied by the Constitution of India, reducing them to a nullity. The President's proclamation fell far short of the expectations of the Hindus and the other minorities. The unrestricted authority exercised by the first Interim Government had ravaged them, virtually reducing them to a state of servitude. The Muslimisation of the State had excluded them from the decision making processes of the government of the State, isolated them economically and exposed them to severe religious persecution which was aimed to efface their religious identity, destroy their culture and dispossess them of their religious endowments.

The aim was to disrupt the religious tradition of the Hindus and the other minorities by weakening the institutional boundaries of their religious organisation in the name of secularism. After that was accomplished, they would evidently be left with only two options: (a) fade away and migrate from Kashmir, and (b) accept Muslim theology as a variant of their belief-systems, and finally sink into the mainstream of the Islamic movement.

The Hindus in Kashmir opted to leave their land quietly. During the rule of the Interim Government, which lasted over a decade, almost half the population of the Hindus in Kashmir, silently migrated to the other parts of the country.

The Proclamation of the President did not alter the political instruments which the first Interim Government had devised, and which incorporated a system apart from the political process envisaged by the Constitution of India. The Constituent Assembly of India did not accept the precedence of the Hindu majority as a basis of the constitutional organisation of India. In fact, it envisaged the right to equality and secular integration of the Indian people, as fundamental to the organisation of the Indian State and the Indian society. The Constituent Assembly of the State upheld the Muslim precedence as a basis of the Government and society in the State and right of primacy to the Muslims to propogate Islam. The resolution of the Constituent Assembly envisaged, reservations and exceptions, vesting arbitrary powers with the State Government on the basis of religion, to ensure the Muslim majority privileges, which were denied to the Hindus and the other minorities.

After the President Proclamation of 1954, several other provisions of the Constitution of India were extended to the State.²⁹ In 1956, the provisions of the Constitution of India in respect of the financial relations between the Union and the States, were extended to the State. In 1957, the provisions of the Constitution of India with regard to the removal of the

High Court Judges, and the restrictions placed on High Court Judges to plead before any Court or tribunal except the Supreme Court were extended to the State. The provisions of the Constitution of India in regard to services were also extended to the State the same year.

In 1958, provisions of the Constitution of India in respect of Audits and Accounts were extended to the State. In 1959, the provisions of the Constitution of India in regard to the Election Commission of India, were extended to the State.

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CHAPTER - 5

Greater Autonomy

The Second Interim Government also supported the separate political identity of Jammu and Kashmir, Bakhshi Gulam Mohammad did not support the secular integration of the State with the rest of the country. He was pledged to Muslim precedence as much as his predecessor was. Indeed, he enforced Muslim precedence in the State more vigorously than the first Interim Government had done.

Bakshi Gulam Mohammad put himself at the head of the Muslim endowment, the Awkaf Islamia, which was headed by Sheikh Mohammad Abdullah for more than a decade, and which had grown after 1947, with a vast sprawling empire of assets and estates. Bakhshi believed that he could win over the Muslims at least the Kashmiri-speaking Muslims, by recanalising the State patronage to bring affluence to them, which he actually did at the cost of the Hindus and the other minorities. An affluent Kashmiri-Muslim society, he professed could easily be persuaded to accept a position in India with a separate political identity which was more Muslim than Pakistan.

In his efforts, however, Bakhshi met the fate, the Congress leadership had met in India during the British rule. Muslim communalism was essentially separatist in character, and he drove himself straight to his nemesis by promoting Muslim communalism. After a decade, the Kashmiri-speaking Muslims, whom he had brought affluence, education and a keener commitment to Islam, hurried him into oblivion in the crisis

which followed the theft of the sacred relic from the Muslim shrine of Hazaratbal in Srinagar.

Bakhshi was never able to wash off the sin, which the Muslims alleged, he had committed by supporting India to overthrow Sheikh Mohammad Abdullah in 1953. The Indian Government played a peevish role and sought to use him as a pawn in their crude attempts to bargain with whosoever was ready to restore them the support of the Muslims in the State. Sheikh Mohammad Abdullah, the pro-Pakistan and the secessionist Muslims and Pakistan denounced Bakhshi as a traitor to the cause of the freedom of the Muslims. Nehru, sent secret emissaries to persuade Abdullah to return to the fold of the Indian secularism. Many Congress leaders joined by an assortment of political adventurists and mercenaries, fed by foreign powers, spread canards seeking a reprieve for Abdullah vied with each other to blame Bakhshi and his supporters, the Hindu communalists and the power-hungry politicians, of having created a charm between the National Conference and the Government of India.

Sheikh Mohammad Abdullah rejected the overtures made to him by the Congress leaders. He insisted upon the right of the Muslims in Jammu and Kashmir to self-determination and their claim to opt out of India.

Plebiscite Front

In 1955, Mirza Afzal Beg, who had been interned with Sheikh Mohammad Abdullah in 1953, wrote to Bakshi Gulam Mohammad, that the first Interim Government had been dissolved as a result of a conspiracy and demanded that he should be released and allowed to join the deliberations of the Constituent Assembly, in order that he could clarify the stand his leader Sheikh Mohammad Abdullah had taken. Beg was promptly released. Inside the Constituent Assembly, he delivered a frontal attack on India as well as the Second Interim Government. Beg claimed that the accession of the State to India was not final and was subject to the approval of

the Muslim majority of the State. He said that so long the Muslims did not finally approve of the accession of the State, no changes could be brought about in the constitutional provisions envisaged by Article 370.

Shortly after the Assembly session, Beg, along with several leaders of the National Conference, who had broken away from the Conference, after the dismissal of Sheikh Mohammad Abdullah, founded the All Jammu and Kashmir Plebiscite Front. The Plebiscite Front committed itself to the struggle of Muslims for their right to self-determination. He demanded the implementation of the plebiscite to determine the final disposition of Jammu and Kashmir, in accordance with the terms, the United Nations resolutions envisaged. In a plenary session of the leaders and cadres of the Conference, who supported Beg, he accused the Government of India of seeking to grab Jammu and Kashmir by force to thwart the aspirations of the Muslims to exercise their option to secede from India and then decide their future. Beg said: "the Muslims are aware of their fate in India. They have awakened to the reality of how India has trampled their freedom. But their voice for freedom from oppression of India cannot be suppressed." He said: "Muslims in Kashmir want to opt for the secession of the State from India, and after that, join the Muslim nation of Pakistan or retain their independence; they cannot be forced to remain with India. Our struggle is for the freedom of the Indian Muslims." Beg added further, "The Indian Muslims opted for a separate nation of Pakistan because they were aware that the majority community in India would never allow them their right to choose their own political system, give them freedom, and treat them with equality. Muslims of Kashmir know how to fight tyranny and they will force the hands of the Government of India, and break off, to join the Islamic resurgence and urge for brotherhood which is the characteristic feature of the new world." Beg continued; "If India does not tolerate our separate nationhood and separate state how can it vouchsafe our freedom, which we have been

fighting for the last two decades, first again the personal rule of the Dogra Maharaja and after 1947, against the forces in India, which stand in our way to freedom."¹

The whole organisational set up of the Front and its strategy for the struggle for self-determination was devised in concert with pro-Pakistan collaborators, who were in close touch with the Pakistan. For Pakistan, the Front symbolised the aspirations of the Muslims of Kashmir to freedom from Indian dominance and their urge for fraternal unity with the people of Pakistan. Strategically, the demand of the Front for the implementation of the plebiscite was the most effective instrument to build pressure on India to part with Kashmir and the Muslim majority districts of the Jammu province, which the National Conference leaders called the Greater Kashmir."

The Front leaders as well as Pakistan knew that once the State was disengaged from India and the Indian forces had ceased, to effectively operate on its borders, the Muslims in the State would deliver the putsch to ensure its integration into Pakistan. As a front line State in the cold war alliance structure, Pakistan, poised across the whole of the warm Himalayan hinterland, which constituted the traditional political frontiers of India, would not take long to undermine the north-Indian States. Sheikh Mohammad Abdullah, inside the prison and Beg outside, were a part of the "great game" to force a second partition on India.

The movement for plebiscite, which the Plebiscite Front led received funds and political support from Pakistan. Inside the State, the flanks of the pro-Pakistan elements and the intelligence agencies of Pakistan, operating in the State, joined the Plebiscite Front. In a short span of time, the pro-Pakistan cadres of the Front assumed control over its major decision-making clusters.²

Ideologically the Plebiscite Front committed itself to the

demand for self-determination of the Muslims in the State, in accordance with the United Nations resolutions. However, the operational strategies, the Front adopted, turned the movement for plebiscite into a Muslim crusade against India. The Front leaders claimed:³

- (i) the accession of the State to India was not final and was subject to the vote of the Muslims;
- (ii) India sought to grab the State by denying the Muslims of the State their right to decide the finality of the accession;
- (iii) the struggle that the Front led was to liberate the Muslims from the Indian hold and ensure them their choice to opt for independence or for accession to Pakistan.

The Front cadres mounted a frontal attack on India, demanding the withdrawal of the troops from the State, and the abrogation of all constitutional agreements between India and the State, which did not conform to the terms of the temporary and limited accession. The Front leaders, denounced India as a userper, and demanded it to "Quit Kashmir."

The Front leaders, invited the Hindus, the Sikhs and the Buddhists to join the struggle against India, assuring them protection, which Islam enjoined for minorities in a Muslim State.

Jammu and Kashmir could not have aspirations, which conflicted with the struggle for a Muslim State. They stressed that the traditional tolerance which the composite culture of Kashmir represented, was the essence of the Muslim quest for freedom in Kashmir and therefore, the Hindus formed a part of the struggle of the Muslim nation for the freedom of the State from India.

Behind the facade of freedom, which the Front leaders offered to ensure the minorities, was hidden, the rancour of

countries, which had again surfaced after the National Conference had assumed power in the State. The Hindus in the Kashmir province, the centre of the activities of the Front, were treated little less than hostages. After the Front extended its operations to the Muslim majority districts of the Jammu province, the whole region of Kashmir and the Jammu province east of the river Chenab, blew up in flames. The Hindus, who were in the forefront of the resistance to Muslim secessionism, bore the brunt of the assault the Plebiscite Front launched against India. The Front leaders, assailed the measures Indian Government adopted to extend the various provisions of the Constitution of India, to the State. They alleged that the application of the provisions of the Constitution of India to the State were aimed to usurp the freedom of the Muslims of Kashmir and scuttle their right to self-determination. They denounced the decisions of the Constituent Assembly of the State, which they claimed had lost its representative character after the resolution of the first Interim Government. They rejected the recommendations of the Basic Principles Committee and the citizenship and fundamental Rights Committee which envisaged the extension of the Constitution of India to the State and condemned them as measures to undo the freedom of the Muslims of Kashmir. They also repudiated the Constitution of Jammu and Kashmir, which was brought into force in January 1957, after the Constituent Assembly was dissolved and disclaimed its provisions as repugnant to the interests of the Muslims in the State.⁴

Indira-Abdullah Accord

The movement for plebiscite was brought to its close in 1975, when Sheikh Mohammad Abdullah entered into an accord with the Indian Prime Minister Indira Gandhi by virtue of which the Front leaders agreed to dissolve the Plebiscite Front, on condition that the power of the government was transferred to them. The negotiations for the Accord were protracted and spread over a year or more. In the early phases of the negotiations, the plebiscite leaders demanded

the revocation of the application of provisions of the Constitution of India, which had been extended to the State after the removal of the First Interim Government. The Indian Prime Minister Indira Gandhi, expressed her inability to accept any conditions. Later, Both, Beg and Sheikh Mohammad Abdullah climbed down and narrowed their demands to the revocation of the provisions of the Constitution of India, applicable to the State, in respect of Fundamental Rights and the jurisdiction of the Supreme Court. Evidently, the Front leaders sought to do away with any limitations on the powers of the State Government, which might interfere with the policy of the Muslimisation of the State. Indira Gandhi refused to "turn back the clock," though she offered to reconsider the provisions of the Constitution of India applicable to the Jammu and Kashmir State in respect of the application jurisdiction of the Supreme Court.

In consequence of the Accord, the Congress Government headed by Syed Mir Quasim, resigned and Sheikh Mohammad Abdullah was elected the leader of the Congress legislature Party and appointed the Chief Minister of the State. He formed a Cabinet, with Mirza Beg and several other Front leaders, in it, along with some other independents, who had little political background.⁵

After the Accord, the Plebiscite Front, now renamed the National Conference, set out to wreck the Constitution of the State from within. Once the Front Leaders were saddled into power, they launched a frontal attack on the Congress, the cadres of the National Conference who had and the Hindus supported Bakshi Gulam Mohammad. They did not spare, even those Congress leaders who had made way for them to return to power. Sheikh Mohammad Abdullah denounced them as the "works of the gutter," who had betrayed the Muslims of the State.

Indira Gandhi and the other Congress leaders believed that they had ended the stalemate in Kashmir, by handing

over power to the Front leaders, perhaps. They also believed that Kashmir would have experienced relative peace, if the Interim Government in 1953, had not been disbanded. The left leaders, in India, who had, in 1953, accused the Interim Government of conspiracy with world imperialist powers, to carve out an independent State of Kashmir, quickly turned to wash their sins and praise the secular traditions of the movement for self-determination, the Plebiscite Front had spearheaded for two decades.

Indira Gandhi fell from power in 1977. The Front leaders increased their attack on the local Congress, which had now lost the support of the Central Government. The Central Government was constituted by the United Front, a combine of several parties in India, which were severely opposed to the Congress.

The fall of Indira Gandhi from power led to a train of significant events in Kashmir. The Congress Parliamentary Party in the State Legislature withdrew its support from the Sheikh Mohammad Abdullah Ministry, which in consequence was forced to resign. The Congress made a bid to reform its government in the State, but the State Governor, Lakshmikant Jha, who owed his prestige and position to Indira Gandhi, accepted Sheikh's advice to dissolve the Assembly. Flustered, the Congress leaders in the State jumped into the election contest, on the presumption that the hollow around the Front leaders had waned due to the Accord, which had brought them to power in 1975. They were only partly right. The Front leaders asserted that they had accepted the Accord to wreck the constitution of the State from within.

The loyalty of the Muslims to the National Conference, reviewed by the Front leaders, was far from intact, but joined by the Muslim clergy, the main flanks of the Muslim middle class, and the bureaucracy the National Conference gradually retrieved its position. In an attempt to win the favour of the Janata Party, the National Conference, offered its support to

the Janata Party in the Parliament. However, the moment the Janata Party announced its decision to contest the elections in the State, the Conference leaders mounted a scathing attack on it. Sheikh Mohammad Abdullah said "Janata Party is anti-Muslim: Jan Sangh in new garb. The hands of Jan Sangh are soiled with Muslim blood."

The Conference called upon the Muslims to destroy the last vestiges of the Congress in Kashmir and wipe out whatever influence the Janata Party had acquired in the State. The front leaders asserted that the Congress and the Janata Party aimed to dismantle the separate and independent identity of the State and bring about the enslavement of the Muslims in the State to Hindu dominance in India.

In the ensuing elections, the National Conference appealed to the Muslims in the State to return the Conference nominees to the Legislative Assembly so that the movement for the liberation of the State from the Indian dominance was carried to its culmination. The Conference cadres, who were in the forefront of the election campaign of the Conference claimed that they had accepted the Accord to get hold of the State power, and use it as an instrument in the liberation struggle against India.⁸

The cadres of the Conference, in their door to door campaign, assured the Muslims that "vote for the Conference would be vote for Pakistan."⁹ The Conference campaign centred round the main contention that India had usurped the freedom of the Muslims of the State and in order to regain their lost freedom, the Muslims were needed to rededicate themselves to a new struggle, which the National Conference had promised to lead to liberate them. In their election campaign, the Conference cadres, openly accused the Indian Government of having suppressed the Muslim aspirations by the force of arms and called upon the Muslims to rise and break the "Daste-Jaffa," the "cruel hand which had enslaved the soul of Kashmir."

The Janata Party aligned itself with the most purile of the pro-Pakistan Muslim factions of the State, which joined the Janata Party to defeat the National Conference. The break-away leaders and cadres of the Plebiscite Front, who had opposed the Indira-Abdullah Accord, which they denounced as an act of betrayal with the Muslims supported the Janata Party. A powerful section of the cadres of the erstwhile Muslim Conference, which had supported the movement for Pakistan in the State also joined the Janata Party in its contest against the National Conference. However, the Muslims, all over the State, knew that the Muslim irridentist forces, which had aligned with the Janata Party were far too weak and orthodox in their outlook to liberate the State from India. They supported the National Conference. The Plebiscite Front had spearheaded their struggle for self-determination for more than two decades.¹⁰

In the ensuing elections, the National Conference candidates were returned to the Assembly from all the Muslim majority constituencies of the State. The Hindu majority constituencies were divided between the Janata Party and the Congress.

After the National Conference was returned to power, it redoubled its attack on India and claimed that the Muslim nation of Kashmir had an inalienable right to live in freedom and any curtailment of its freedom would be resisted by the Conference. The Conference leaders, as well as its cadres, made pronouncements, which created a feeling that the Conference was actively engaged to ensure the exclusion of the State from the constitutional organisation of India with the ultimate objective of bringing about its disengagement from the Indian Union. The Conference leaders claimed an independent national outlook for Kashmir, which they called "Kashmiriyat" with its basis in the liberal theology of Sufi-Islam, which they asserted, represented the quientensence of the religious tolerance, Islam had brought to Kashmir. Sufi-Islam, they emphasised formed the basis upon which a pattern

of religious unity could be evolved for the Hindus and the other minorities to accommodate themselves in an independent Kashmir.

The liberal theology of Islam, 'Kashmiriyat' symbolised, aimed to achieve a subtler aim: to superimpose on the orthodox, and pluralist ideological content and intricate ritual structure of Hinduism in Kashmir, an unorthodox, non-ritualist and monolenial religious theology. Once the boundaries of Hinduism were subverted, it would not take it long to disintegrate and disappear.

The Hindus in Kashmir realised the danger and refused to accept the Islamic basis of the Kashmiri nationalism. They rejected the separate Muslim identity of Jammu and Kashmir, with its ideological ground work in the postulates of "Kashmiriyat" and precedence of the Muslim majority in its government and society. They disclaimed that the Hindus of Kashmir were in any respect separately identifiable from the people of India and refused to accept that they formed a part of the Kashmir nation, which the Muslims claimed to constitute.

The Hindus in Jammu and Kashmir had refused to recognise Muslim claim to a separate state in India, before the British withdrawal in 1947, to a separate nation and a separate Muslim State and fought against the accession of Jammu and Kashmir to Pakistan. They beseeched the Congress leaders, to end the religious persecution, economic deprivation, social isolation and the political oppression, they were subjected to, under the cover of "Kashmiriyat." Angered by their remonstrations, which reflected the Hindu resistance to religious aggrandisement, "Kashmiriyat" camaflogged, the Conference leaders condemned them as communalists who sought to regain the lost privileges which they enjoyed during the Dogra rule and who deserved to be treated as the enemies of Islam.

"Kashmiriyat," in reality represented the Muslim resurgence in the State, which the National Conference sought to legitimise as a valid ideological instrument to separate Jammu and Kashmir from India. Soon "Kashmiriyat" came to reflect the claim of the Muslims, to a position of autonomy, more synonymous with the separate political identity, the State formed before, the broad measures of its integration into the constitutional organisation of India, were taken in 1954.

In 1982, the Conference leadership administered a shock to the Indian Government, when it proposed legislation to enable the Muslims, who had migrated from the State to Pakistan, and the occupied part of Kashmir in 1947, to return to the State for permanent settlement. The proclamation of the President of India issued in 1954, incorporated provisions for the return of the Muslims of the State, who had migrated in 1947, to Pakistan or the occupied Kashmir, in accordance with the law made by the State Legislature. A resettlement Bill was hurriedly moved into the State Assembly by the Conference leaders, ostensibly for "the return and resettlement of the Muslims, who had migrated to Pakistan and the occupied Kashmir in 1947, and to unite the Kashmiri families who had been separated from their kith and kin."¹¹ However, the Bill had far-reaching ramifications and actually sought:

- (a) to open the borders of the State to the people, from Azad Kashmir, who claimed Kashmiri descent, into Jammu as well as Kashmir, to ensure the maximisation of the Muslim weightage in the State;
- (b) to convert the Line of Control into a porous border, which permitted people's transit from Azad Kashmir and Pakistan into Jammu and Kashmir and demolish its military significance;
- (c) to instil among the Muslims in the State, a feeling of solidarity with the Muslims in Azad Kashmir and thus re-establish the identity of the Muslim

movement for the independence of the State along with the territories occupied by Pakistan.

- (d) to provide Pakistan an opportunity to install a second fifth column in the State.

B.K. Nehru the State Governor, hesitated to give his assent to the Bill. The Conference leaders demanded his resignation. While the controversy over the Bill continued, Sheikh Mohammad Abdullah passed away. B.K. Nehru installed Farooq Abdullah, the eldest son of Sheikh Mohammad Abdullah, the Chief Minister of the State. Farooq followed a policy of conciliation towards the Congress, till he consolidated his power.

Meanwhile B.K. Nehru, within his powers as the Constitutional head of the State, decided to send a message to the State Legislature on the resettlement Bill. The Conference leadership passed the Bill in the legislature a second time. Nehru had no alternative except to give his assent to the Bill. He had two more options to adopt: to resign from his office or recommend the imposition of emergency in the State, following the constitutional crisis which the resettlement Bill had forced upon him.¹²

Nehru did not resign, nor did he recommend the imposition of a state of emergency in the State. On the insistence of the Government of India, the Bill was sent to the Supreme Court for its opinion. However, the damage was done, and the Conference leaders spared no efforts to pile condemnation on India, which, they alleged had stood in the way of the reunification of the Muslims across the Line of Control.

Militancy and Autonomy

During the years that followed, the secessionist movements in the State gathered greater strength. A whole generation of the Muslim youth, which grew under the shadows of the Plebiscite Front, was socialised to the Muslim quest for freedom from India and the unification of the State with the Islamic

commonwealth of Pakistan. Whatever may now be said to whitewash the ravages of the movement for plebiscite, the Front led, the bitter truth is that it upheld the struggle for a Muslim State, aligned to Pakistan by the bond of religion.

In due course of time Muslim youth, committed to resistance against India, symbolised by the autonomy of the State as well as the struggle for self-determination, assumed the leadership of the Muslim separatist movements in the State.

The autonomy of the State, envisaged by 'Article 370, provided the political context, in which Muslim separatism was recognised as a legitimate expression of Muslim aspirations to freedom. The insistence of the National Conference leadership on the exclusion of the State from the Indian constitutional organisation and the claim to a separate national identity on the basis of the Muslim majority character of its population, was in no way different from the ideological content of the Muslim movement for Pakistan. The Muslims of Jammu and Kashmir were a separate nation and therefore, could not form a part of the secular polity of India, in which the State would not be committed to the precedence of Islam and the Muslim majority. of its population.¹³

The consolidation of pan-Islamic fundamentalism as the basis for a global strategy to unify the Muslims into an independent power base, with Pakistan as one of its focal centres, imparted a new direction to the Muslim resistance against India. With Pakistan backing the secessionist movements in the State, the process of their fundamentalisation was rapid. Fundamentalist commitment to the unity of the Muslims and their freedom transcended the narrowly local loyalties which the National Conference and the Plebiscite Front had espoused. The Muslim youth in the State, ideologically closer to pan-Islamic fundamentalism, quietly imbibed to the new spirit of Islamic revolution and the Muslim crusade.

The final denouncement came when Pakistan commenced the militarisation of pan-Islamic fundamentalism on the subcontinent. Pakistan's strategy to induct arms into the northern States of India was aimed to destabilise their community balances and soften the resolve of India to resist Muslim communalism in Jammu and Kashmir. While the Indian Government was struggling to overcome the conflict in the Punjab, Pakistan commenced the militarisation of the Muslim secessionist flanks in Kashmir.

The militant secessionist organisations led by the Jammu and Kashmir Liberation Front launched their operations in the State in 1989. By the end of the year militant depredations spread all over the Kashmir Valley. The militant violence exploded many myths which had formed the basis of the autonomy of the State.¹⁴

The Congress-National Conference coalition, government in the State, headed by Farooq Abdullah, watched the onset of the militant violence with abject indifference. The State Government and its security organisation had adequate information about the terrorist operations and their objectives. But they watched the violence spread, without taking any effective measures to contain it. "The State Government issued vague and contradictory statements, reiterating the faith of the coalition partners in secularism, Kashmir identity and Muslim precedence. In several of the statements, the coalition partners levelled charges against each other as well as against the Hindu communalists, who they alleged, were waiting to disturb the peace in the State. To conceal the truth, many of the Conference leaders traced the Muslim unrest to the dominance of the Kashmiri Pandits in the Central Government offices in the State, because of which the potential Muslim talent was frustrated with Indian secularism. The Congress leaders of the State indulged in self-condemnation and charged everybody, except the Muslims, for what had happened in the State."¹⁵