Kashmir
And
National Conference and
Politics (1975-1980)

By
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(Bangali)

Gulshan Publishers
GOW KADAL SRINAGAR
ACKNOWLEDGMENT

The Darbar of Hazratbal is not only the place of spiritual evolution but also the source of spiritual guidance. It was here that Dr. Manzoor A. Fazili met me and persuaded me to register with the University for higher studies. Consequently, for me it was a really intellectual motivation towards the completion of this dissertation. He deserves my heartfelt gratitude.

Thanks are also due to Prof. K.R. Bormwall who guided me sincerely in all aspects of advanced studies in Political Science during my stay in the department. My gratitude to Dr. Saleem and Dr. Khan (Department of Political Science) whose suggestions and guidance from time to time encouraged me to complete this dissertation.

Prof. Jan Mohammad, Head of Colleges, University of Kashmir, deserves my thanks for his earnest desire for the early submission of this dissertation.

Mr. Ghulam Qadir, Office Superintendent of National Conference Headquarters, Mujahid Manzil, Srinagar deserves thanks for providing me available material relevant to my dissertation.

Thanks are also due to Mrs. Sakina and her brother Mr. Mushtaq Ahmad for providing me some relevant material and the typewriter for the completion of my work. I acknowledge with gratitude the help and assistance accorded to me by Mr. Nazir Ahmad Banday for typewriting and comparing the manuscripts.

Mr. Makanlal Sharaf of Govt. Degree College Bemina, Srinagar and Pir Mohmmad Yousuf, my student, deserve thanks for assisting with the typing work.
Assurly, I will fail in my duty if I do not recognize the moral support of my wife.

However, with gratitude, I acknowledge the contribution of Prof. H.L. Misri, Head of the Deptt. of English, Government Degree College Bemina-Srinagar to the linguistic improvement of the book. Prof. M.K. Kak Pol. Sc. deptt. (Government Degree College-Bemina-Srinagar) Chief Librarian B.L. Koul and Shri Tej Keshav Rastan are thanked for their assistance with valuable material and advice.

I also thank to Deputy Registrar academic Kashmir University Shri G.A. Dhar for his good suggestions.

I am very fortunate to have had the assistance of Shri M.L. Man Principal Government Degree College Bemina, who lift no stone unturned to see me through this venture.

I am grateful to the U.G.C., New Delhi and the State Education Deptt. for grace fully acknowledged.

Lastly I thank are due to Shri Sheikh-Mohammad ud-din owner of Gulshan Publishers, who has taken keen interest in publishing it and without whose pains this work would not have seen the light of the day.

Prof. A.j. Ganai
Bengili

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divided into five chapters. The first chapter is the exordium of the National Conference and the second explains the politics of plebiscite in the State. The third chapter dealing with the resurrection of the National Conference also calls for the events that followed the resurrection. The last two chapters are devoted to the issues and pursuits and giving a political sequel to the problems and promises which the Conference had to confront before the assumption of power in 1975.

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## Contents

<table>
<thead>
<tr>
<th>Acknowledgement</th>
<th>1 – 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>32 – 63</td>
</tr>
<tr>
<td>Chapter I</td>
<td>64 – 107</td>
</tr>
<tr>
<td>Exordium of the National Conference</td>
<td></td>
</tr>
<tr>
<td>Chapter II</td>
<td>108 – 132</td>
</tr>
<tr>
<td>The Politics of Plebiscite</td>
<td></td>
</tr>
<tr>
<td>Chapter III</td>
<td>133 – 156</td>
</tr>
<tr>
<td>Resurrection of the National Conference</td>
<td></td>
</tr>
<tr>
<td>Chapter IV</td>
<td>157 – 166</td>
</tr>
<tr>
<td>Issues and Pursuits</td>
<td></td>
</tr>
<tr>
<td>Chapter V</td>
<td>166 – 168</td>
</tr>
<tr>
<td>Political Sequel</td>
<td></td>
</tr>
<tr>
<td>Appendix , Accord</td>
<td></td>
</tr>
<tr>
<td>Bibliography</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER I

Exordium of the National Conference

It is not difficult, after W.H. Morris-Jones, to characterize Kashmir political system "as belonging to the type of the one dominant party", since 1931. Similarly it is not arduous to locate the causes for its dominance. The emergence of the National Conference as dominant political party is direct consequence of its inception as the party fighting for freedom and emancipation prior to 1947. There was no organised political force in existence in the State till 1932. Kashmir valley out of all the regions of the State was first to experience political upsurge in 1931. The immediate cause of which was the defilement of the holy Quran at Jammu and the expectancy of the court trial of one Abdul Qadser Khan, whose infuriating speech at Khaqan-i-Mualla, had created smearing discontent in Srinagar. Further, the Muslim majority was made conscious of their abject poverty, of their rights and liberties, by a small educated Muslim group, whose one friend founded as early as 1930, a Reading Room, at Syed Ali Akbar in Srinagar. The main objective of uniting into a friendship was to inculcate amongst the people the sense of rebellion and revolt through political discussion and newspaper reading. Consequential upon this

2. Sheikh Mohammad Abdullah, Mohd. Rajab, Qazi Saiid-ud-din Qadri and Ghulam Ahmad Mukhtar.
4. Ibid.
desire an organization was formed later in the year 1932—the venue for its inception was the Pathar Masjid at Zainakadal. The name of this organization was baptised as the All Jammu and Kashmir Muslim Conference. On this occasion, it is believed, the Mosque had been converted into a shrine owing to the presence of about three lacs of people attending the convention. However, the idea of formation of the party had earlier been conceived in the Central Jail, where all the leaders were jailed after 13th July, 1931 upheaval.

The Muslim Conference committed itself to the following:

(a) To organise the Muslims of the State and secure for them their rights.
(b) To struggle for the improvement of their economic and cultural lot.
(c) To liberate them from the disabilities they laboured under.

The party further, through its resolutions, in an open session at Pathar Masjid, envisaged:

(i) Property not to be confiscated on account of conversion of a person from one religion to another. (It was a practice during Dogra Rule).
(ii) The recruitment to the administrative posts to be made in proportion to the various communities of the population.
(iii) Land revenue to be reduced.
(iv) Recruitment to State Army to be opened to all communities.

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Exordium of the National Conference

(c) Freedom of speech and expression to be guaranteed.
(st) Political prisoners to be released unconditionally.

Thus, the Muslim Conference, entered the arena of politics of the State, determining its future course, without going to examine its nature, emerged to secure the socio-economic betterment of the people. It consequently resulted in the participation of the people in the struggle. The leaders of the other communities were invited to involve themselves in the politics of the struggle, which later culminated in the conversion of the Muslim Conference into the National Conference. Writes P.N. Bazaz, "Prem Nath Bazaz and a number of Kashmiri Pandits soon realized that the movement was spontaneous and expressed the inner urge of the down-trodden, tyrannized and suppressed millions under the autocratic alien Dogra rule. They also realised that it would be suicidal to oppose it and instead of showing any hostility towards it, it was the paramount duty of all patriots to support it, may contribute their humble share to make it successful." This assertion, further, is testified by the Sheikh in his Presidential address at the meeting of the Muslim Conference in 1932. He claimed, "We stand to fight for the rights of all communities. The progress of the people of the State is liable to be thwarted if we do not establish amicable relations between the different communities. This is possible only when each community learns to appreciate the viewpoint of other communities."

Earlier the spontaneous upsurge on 13th July, 1931 was politically an important event in the history of Kashmir. From this day the struggle for independence and freedom in

the most modern sense started openly. Without examining its merits and demerits as communal or secular event, it made the Muslim Conference and latter the National Conference, to determine the course of Maharaja’s politics. The Maharaja had earlier promised, on the occasion of the Rajlich ceremony in 1926, before distinguished guests, a number of boons, but none of these could pacify or appease the Muslim population of the State. These boons were only to perpetuate the age old system of feudalism. Consequently, the upheaval of July 1931, in terms of Bazaz, shook the whole State including the administration and unnerved the Maharaja. The Maharaja, in keeping with the rules of the game of politics, initiated various Commissions of Enquiry or Commissions of recommendatory nature, but he could not meet the challenge that was posed to his authority.

The Muslim Conference and later the National Conference had come to determine politics but the former in its inception had to grapple with a two-fold problem. One of the problems was that non-Muslims were to be assured that the freedom struggle was common between them and the Muslims. Second, which emanated from the first, was the problem of those of the workers, who would not like to convert a communal into a secular type of political organization. Consequently, the logistics of party politics demanded the removal or isolating of those members who either believed in two-nation theory or in sabotaging the party (Muslim Conference) for personal ends. Whether, there was any substantive difference between different sections of the people or not, the leadership of the


Exordium of the National Conference

Muslim Conference made it to appear so much acute that those who disented or did not subscribe to the ideology of the National Conference were weeded out of the organization. Thus the conflict of these groups resulted into the hurling of nicknames or damaging the reputation of the leaders. The Sheikh was blamed having the beliefs of Ahmadiya sect, and many others were divided on ideological acrimony. The cleavages were manifest through Yuvak Sabha, representing Kashmiri Pandits, Unjaman-I-Islahi Rasoom of Molvi Mohd. Syeedi Masoodi, a group for reforming Muslims, Unjaman-I-Ithadul Muwleem, of Ghulam Nabi Gilkar, and Dogra Sabha of Jammu, Youngmen’s Muslim Association. However, these cleavages did not thwart the course of the revolutionary action against the despotic Maharaja. Actually, in its operative part, the Muslim Conference determined the actions of the Maharaja. It decided the course of political history of Kashmir right from 1932 to 1947.

Retooling Politics

The history of the Muslim Conference is nothing but the record of the struggle of the middle and upper class Muslims for achievement of their class rights, yet the leadership of the party soon realised that the Muslim Conference could not appeal to all sections of the people in a country with a multi-religious and a multi-lingual society. They decided to retool politics against the forces that stood in their way. Consequently, in the sixth session of the National Conference, they gave a call to all the people of the State, to cooperate in the struggle for freedom. The leadership had visualized that the Maharaja and other forces of reaction could exploit the situation against the Muslim Conference. “A few young Muslim leaders including Abdullah began to think of reorienting...”

ting the Muslim politics on broader, healthier and non-communal lines.\textsuperscript{16}

The leadership of the Muslim Conference started negotiations with the other communities, including the Pandits of Kashmir and while Mr. Prem Nath Bazaz and the Sheikh had many rounds of talks to arrive at a common platform, the sixth session of the Muslim Conference marked a desire of retooling the politics of the State on secular basis. In the Presidential address of the Muslim Conference, on the 26th March, 1938, Sheikh Abdullah observed:

"Like us the large majority of Hindus and Sikhs in the State have immensely suffered at the hands of the irresponsible government. They are also steeped in deep ignorance and are in debt and starving. Establishment of responsible government is as much a necessity for them as for us. Sooner or later these people are bound to join our ranks. No amount of propaganda can help to keep them away from us."

"The main problem therefore now before us is to organize joint action and a united front against the forces that stand in our way in the achievement of our goal. This will require re-christening our organization as a non-communal political body and introducing certain amendments in its Constitution and rules."\textsuperscript{17}

These were the convictions of the leadership of the Muslim Conference and consequential upon it the organization was converted to the National Conference on 11th June, 1939. The resolution adopted to this end is self-revealing. It said,—

\textsuperscript{17} Ibid., p. 168.

\textbf{Exordium of the National Conference}

"Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of responsible government, the Working Committee recommends to the General Council the name and the Constitution of the organization be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste, creed or religion."\textsuperscript{18}

Thus, the Muslim Conference retooling politics of their struggle, gave its organization a national character. A mass participation was envisaged and people's acceptance of the National Conference ideals was forthcoming. This retooling of politics made Gopalaswamy Ayyenger, the then Prime Minister of the State, uneasy. The government tried to thwart the holding of the Muslim Conference preliminary session for ratification of the resolution passed by the Working Committee. A manifesto was, therefore, prepared, bearing the signatures of all prominent Hindu, Muslim and Sikh leaders so that people were not misled by the government. The manifesto is known as "National Demand"\textsuperscript{19} The government, after the publication of "National Demand", took to the methods of repression and oppression. Hundreds and thousands of the workers, including the prominent leaders from each community were arrested. Repression, however, strengthened the forces of nationalism in the State. Realizing it, writes P.N. Bazaz, N. Gopalaswami Ayyenger released all imprisoned leaders including the signatories to the National Demand. Thus the National Conference entered the arena of politics determining its future course.

\textsuperscript{18} Ibid., p. 169.
\textsuperscript{19} Ibid.
departure to All India State People’s Conference for participation as the delegates from the State. This conference was presided over by Pt. Jawaharlal Nehru. The conference was held in Ludhiana and Pt. Nehru in his presidential address referred to the repression perpetuated against the people of the State of Jammu and Kashmir. The State Peoples’ Conference established a branch in the State of Jammu and Kashmir as well. This branch initiated a programme of processions and meetings to further strengthen the struggle for freedom. Later, under the leadership of the Sheikh a delegation to participate in the Congress session at Tripura was to further the counter propaganda which reactionaries were spreading against the freedom struggle in the State. Actually, by this time the Kashmir struggle for freedom movement was being run on the pattern of nationalism as projected by the National Congress. Consequently, the Indian National Congress was helping the State leadership, to evolve the movement on secular and socialist outlook. At the end of the Tripura Congress Meet, many leading and prominent leaders of the Indian National Congress were invited to visit Kashmir by the State leadership.

During the period between 1939 and 1947, the politics of the State was, by and large, determined by the National Conference. Though the Maharaja and the reactionaries tried

22. Those who participated included P.N. Bazaz, Maulana Sayeed Masoodi and Bakhali Ghulam Mohammad.

Exordium of the National Conference

to control politics of the State, through their common techniques, yet they failed in it. They launched Shia-Sunni feuds, a small group on the communal basis decided to revive the Muslim Conference and the Arms Act was passed but all these political and administrative manoeuvres failed in suppressing the movement for freedom in the State. For example, no doubt, the second World War subdued State politics but the National Conference continued to work and prepare a strong cadre having a base in the people. When the Royal Commission acted in contravention to the outlook of the leadership in the State and while it became unpopular the National Conference withdrew its two members Mr. Beg and Mr. Sadiq from the Commission. While doing so they submitted to the Maharaja a comprehensive plan for the economic, social, political and cultural reconstruction of the State. The plan was subsequently published and has come to be known as “Naya Kashmir” manifesto. The manifesto was adopted in the annual session of the National Conference held at Sopore on 29th and 30th September, 1944, with a unanimous vote.

The New Kashmir Manifesto was divided into two parts: (i) The Constitution of the State and (ii) The National Economic Plan. The first part deals with, citizenship, National Assembly, Council of Ministers, Ruler, Justice, Local Administration and the national language. The citizenship of the State envisaged freedom of press, assembly and meetings, processions and demonstrations. It also declared non-violative the privacy of home and secrecy of correspondence. Every citizen is obliged to train himself to use and would be ensured the right to bear arms. Universal compulsory military service would be established by law. All citizens would have the right to work, that is, the right to receive guaranteed work

and the right to rest. Other features of the Manifesto relate to:

1. All students to have the right to education.
2. Women of all classes to have equal rights in the national life.
3. Protection of all citizens under law and recourse to the Courts for redress.
4. National Assembly to be elected by the electorate on the basis of one representative for 40,000.
5. High Court of justice to be the highest court.
6. Panchayats at village, tehsil and district levels.
7. Urdu to be lingua franca of the State.  

The National Economic Plan is divided into (a) Production, (b) Transport, (c) Distribution, (d) Utility services and (e) Currency and finance. The production was to be for use and not for exchange and the objective was to provide a reasonable standard of living for all people in the J & K State. The basic principles of agricultural plan would be abolition of landlordism, land to the tiler and cooperative association, feeding the people and peoples’ control of the forests. A National Agricultural Council would be set up in the State to execute and supervise the national agricultural plan. The manifesto declared that all key industries must be in the hands of the people’s government and therefore enumerated the following basic principles:

1. Abolition of Capitalism

32. The people were made to raise the slogan, “Maharaja Ki Jai” but they reverberated the slogan “Maharaja Ki Jai”.

Consequential upon the publication of the scheme provided in the Naya Kashmir, the politics of the manifesto entered into a new phase till the movement was launched under “Quit Kashmir” slogan. Through the politics of the Naya Kashmir, the people in its totality swung to the National Conference and public opinion was made so conscious that the Maharaja and the reactionaries were frustrated. The Ruler could neither control the State masses nor could through any device win them over. The “Quit Kashmir” movement was launched on the style and after the manner of Quit India movement of Mahatma Gandhi. This movement was directed against the Dogra autocratic ruler. Some groups, particularly Dogras opposed it on the ground of its enimical nature to Dogra community as a whole. The politics of the State was, consequently, determined by the National Conference from 1931 onwards and the common tool was that “the Movement was launched not against the Maharaja or Dogras, but against one hundred year old Transaction (the Treaty of Amritsar) of the Dogras.” The uprising was dealt with a firm hand but people were prepared at the instance of the National Conference to resist any suppression. The oppression was so acute that even were, while on their normal movements, made to raise pro-Maharaja slogans. This movement entered such
phase of history in due course of time that Maharaja was convinced of its gravity and challenge to his throne.

The situation was further aggravated by the visit of Pt. Nehru to Kashmir on the eve of his appointment as Vice-President of interim government. He had come to help the release of the Sheikh, who had been arrested in view of the slogan of the “Quit Kashmir”. Secondly, he desired to enhance the prestige of the nationalists who sustained the movement for sometime. In June, 1946, he decided to visit the valley despite the advice of many friends and colleagues not to visit. However, he (Pt. Nehru) was stopped at Domel and arrested. Consequently, he had to abandon the visit to the valley and had to leave back. This arrest of Nehru brought a condemnation for the Maharaja from the Congress India and really enhanced the Sheikh’s position. Nehru made some sensational statement against the Kashmir government on his return to Delhi. Nehru said: “Srinagar has become the city of dead.”

The Maharaja of the State, not alive to the changing political realities, of the emergence of two separate States, on accepting the principle of partition underlying the Mountbatten Plan betrayed total political bankruptcy. He did not conceive the future uncertainty of the State. Consequently, the post-partition period in the Indian sub-continent witnessed in Kashmir more uncertainty than any other princely State of India. Lord Mount-batten visited Kashmir in June 1947 and in August independence had to be granted to India. Both India and Pakistan were interested in having Kashmir with them. Lord Mount-batten found his host, the Maharaja in

34. Ibid., p. 260.

Exordium of the National Conference

defensive mood, “Unable to face up to the great problems which sooner or later would inevitably present themselves. Attractive as the temptations of isolated independence were it was clear that he would receive the worst of the two worlds. Pakistan would be plotting to remove the Hindu Dynasty from continuing to rule a Mohamadan people, while the Indian Government, through Sheikh Abdullah, would be seeking his downfall as an enemy of the neighbouring progressive democracy.”

The problems which certainly presented could not be faced by the Maharaja. Pakistan was hostile, India was suspicious, Muslims in Poonch rebelled, volunteers of the R.S.S. Akali Sikhs and the INA entered Jammu and above all armed men infiltrated into Kashmir from Pakistan, and free flow of goods and necessities of life was stopped. The Maharaja had lost and the National Conference had won. The former acceded to India and in a letter dated Oct. 26, 1947, Hari Singh wrote to Lord Mountbatten, the Governor-General of India “with the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian dominion. Naturally, they can not send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your government.” The letter further added, “I may also inform your excellency’s government that it is my intention at once to set up an interim government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.”

38. Hari Singh Ji’s letter addressed to Lord Mountbatten, Governor-General of India on October 26, 1947.
Consequential to the accession, the National Conference came to power at the domestic level. At first, Sheikh Abdullah established an emergency government and later a stable ministry. The Maharaja of the State and the Sheikh could not go together—thus the Maharaja abandoned throne on 9th June, 1949, in favour of his son, Yuvaraj Karan Singh. The leaders of the National Conference and the Government of India, were interested in instituting a democratic government in the State. This had two objectives—one to make the world understand that Kashmir was on the way of democracy and secondly it could satisfy the Muslims of the Valley to have their own government. So writes P.N. Bazaz, "was not a Kashmiri Muslim the Prime Minister of the State for the first time during the 102 years old Dogra Rule and were not some more State Muslims in the Cabinet appointed by him? Above all, these Kashmiri Ministers were those public men who had fought for the freedom of Kashmir and enjoyed popularity for several years."39

Since the assumption of power by the leaders of the freedom struggle, the National Conference further determined the course of the State politics. It, not only administered the State at domestic level but played a vital role at the national as well as international levels of politics, till its fall in 1953. At the domestic front, the first task of the Sheikh's administration was to invite peasants to cultivate free of rent the land they worked upon. All economically privileged persons, Chakdars, Jagirdars, Maufindars and Mukarrarnaries were made to give up their privileges without any compensation to them. This was in conformity with the declared policy of the National Conference to give "land to the tiller."40 The


orders with regard to the abolition of Chakdari were issued on July 13, 1950. July 13 being annually celebrated as Martyr's Day, on account of the first rebellion against Dogra Rule. The Constituent Assembly, with regard to it, adopted unanimously the report and recommendations of the Land Compensation Committee which recommended:

"The tiller to whom the excess land from which the big properties are expropriated is transferred ownership right, are an indigent, impoverished and much exploited class by themselves. No question of recovering the price of the lands from them does arise. As a State with limited resources we are too poor to pay compensation out of the State revenues. The financial liability will be of a very serious nature and payment itself will prove incalculably mischievous. Apart from these considerations, there is no moral, economic or social basis for compensation. We, therefore, recommend that both on principle and policy, the payment of compensation would perpetuate the present inequitable distribution of wealth."41

The land reforms, thus, received a wide publicity at the national and international levels of politics. P.N. Bazaz said, "Interested Journalists have published new stories and articles about it in such a way that it has become very difficult if not altogether impossible to critically and dispassionately examine the whole issue."42

Furthering their promises on April 4, 1951, the Yuvaraj issued a proclamation directing that a Constituent Assembly

42. P.N. Bazaz, Struggle for Freedom in Kashmir, Delhi, p. 496.
shall be constituted forthwith for the purpose of framing a Constitution for the State. The convening of the Constituent Assembly, by itself triggered off the politics of Accession. Though the National Conference did not drift in the beginning from the stand that Kashmir had acceded to India, yet after a short period a confrontation ensued with regard to it, which ultimately caused the fall of the Sheikh. In the beginning, “in the Constituent Assembly, on the crucial issue of the State’s accession to India, Sheikh’s Abdullah after discussing the various alternatives rejected the possibility of the State’s accession to Pakistan or its independent status and strongly advocated that Kashmir’s interest lay in its unity with India.”

The very first task of the Assembly was to abolish the rule of the Maharaja and replace him with a Sadar-e-Riyasat to be elected by the Kashmir Legislative Assembly. Yuvraj was elected the first Sadar-e-Riyasat and he took office in 1952. The Assembly also approved of a separate flag for the State to be flown on all normal occasions and limited the use of Indian National flag to formal functions. Soon, after a constitutional confrontation started between the National Conference leadership and the Indian leadership. The Sheikh was always interested in the identification of Kashmir as cultural unit and consequently he said, “Kashmir’s accession to India will have to be of a restricted nature” and described that the full application of the Indian Constitution to Kashmir as, “unrealistic, childish and savouring of lunacy”. In another speech, two weeks later, he said, “It would be better to die than submit to the taunt that India was our bread-giver. Kashmir is not eager for India’s aid.”

The emergence of Dogra nationalism as early as 1949,

44. Ibid., p. 25.

Exordium of the National Conference

as the part and parcel of Hindu nationalism further aggravated the situation. “It opened the eyes of the Kashmir nationalists of the National Conference”, writes P.N. Bazaz. The Praja Parishad had three onslaughters on the government of the State. The first in February, 1949, second in the beginning of 1952 and third by the end of the latter year. The first agitation produced no impression as the entire Indian press supported the State leadership, but the happenings in 1952 were vigorously championed by the Hindu public opinion of India and the Indian press. The result was, as Balraj Puri asserts, an emotional rupture in the relations between the Centre and the State leadership as well as the public opinion.

The constitutional relationship, ensued such an ugly result that Delhi felt to determine it and resolve it. In August 1952, the Delhi Agreement, demarcating the Union and State jurisdiction was approved by the Parliament of India and the State Constituent Assembly on 11 August 1952. Sheikh Abdullah reiterated the constitutional position:

“The Constitution of the Indian Union, therefore, clearly envisages the convening of a Constituent Assembly for the Jammu and Kashmir State which would be finally competent to determine the ultimate position of the State in respect of the sphere of its accession which would be incorporated in the shape of permanent provisions of the Constitution. I indicated in my inaugural address the scope of the decision which I felt the Constituent Assembly would have to take. I listed four main issues as pertaining to the four main functions of the Assembly, viz., the future of the ruling dynasty, payment of compensation for land transferred to cultivators in the Landed Estate Abolition Act, ratification of the State’s accession to

46. Ibid.
India, as well as the framing of the Constitution of the State". 47

The Delhi Agreement recognised common citizenship, head of the State to be an elective office, State flag and Union to go together, President's power to reprieve and commute death sentences, President's power of emergency (Article 352), application of principles of Fundamental rights to Kashmir, and jurisdiction of the Supreme Court to the State in criminal and civil cases and to such disputes which come within the jurisdiction of Article 131 of the Indian Constitution. Financial relations remained undetermined under the agreement. 48

The Praja Parishad agitation in Jammu, Jana Sangh agitation in Delhi for the complete integration of Jammu and Kashmir with India, Dr. Shyam Prasad Mookerji's death in Srinagar, Sheikh's meeting with some important foreign visitors conceiving an independent Kashmir, and other factors led the Government of India to rethink about the Sheikh and the latter thought India to be secular in name only. Writes B.N. Mullik, "Criticism of the Kashmir government's action in detaining Dr. Mookerji, leading to his death, continued all over India and was particularly vehement in West Bengal for quite some time and Sheikh Abdullah found in this ample support for his own allegation that India was secular only in name but basically communal and so Kashmir could have no honourable place in that country." 49

Mullik 50 believes that the arrest of the Sheikh on August 9, 1953, was his fall from the pedestal, which ultimately was not true. Writes B.N. Mullik,

"We got information that Pir Maqbool Gilani had established contacts with Pakistan and that an emissary was on his way to Tangmarg (near Gulmarg) to meet the Sheikh, Suspicions deepened when the Sheikh suddenly left for Tangmarg on the morning of August 8, the D. Day was automatically determined by the Sheikh's own action, as any further delay might be attended with unforeseen results. The Sadar-e-Riyasat remained steady and did not allow himself to be hustled into action." 51

The action followed the next day. During the night between August 8 and 9, the arrangements for the overthrow of the Sheikh had been completed and he was arrested early August 9, 1953 and was succeeded by Bakhsh Ghulam Mohammad.

Whether inside or outside the jail, the Sheikh and the National Conference continued to determine the course of politics. Earlier in December, 1947, India invoked Article 35 of the U.N. Charter. The article entitles any member to bring any situation before the Security Council whose continuance is likely to endanger international peace and security. Soon after India was disillusioned and Nehru had to admit:

"Instead of discussing and deciding our reference in a straight forward manner, the nations of the world sitting on the Security Council got lost in power politics." 52

47. B.L. Sharma, Kashmir Awakes, Vikas, Delhi, 1971, pp. 109—110.
49. B.N. Mullik, My Years with Nehru, Allied, Delhi, 1971, p. 39.
50. Ibid, pp. 35-47.
51. Ibid, p. 44.
52. P.N. Bambai, Kashmir and Power Politics, Lake Success to Tashkent, Metropolitan, Delhi, p. 143.
The case was, however, presented to the U.N. by Mr. Gopalaswami Ayyenger, Indian Minister without Portfolio. He was assisted by Mr. M.C. Setalvad and Sheikh Abdullah. Even Balraj Madhok, contrary to the thinking of the Government of India on Kashmir had to admit on the Sheikh’s presence on the Indian delegation in United Nations.

“He was more interested in projecting himself and running down the Maharaja, who was the real legal sanction behind Kashmir’s accession to India and Dogra Hindus than in pleading the case of India.”

Consequently, when the Sheikh was arrested, India could not be happy especially at the international front. She had, however, to be content with what they had gained by arresting the Sheikh. Kashmir dispute continued to be harped from Lake Success to the end of Tashkent Agreement. The Simla Agreement and finally the Kashmir accord between the Sheikh and Indira Gandhi, relegated the issue to its basic position to the Indian advantage. But, nowhere from Lake success to the Tashkent Agreement, can we ignore the role played by the National Conference and the Sheikh. Until 1953, the Sheikh and the National Conference were a trump card in the hands of the Government of India both at the national and the international levels. Soon after the fall of the Sheikh, the National Conference led by Bakshi Ghulam Mohammad, who succeeded the former, had to play the politics for a decade at the local and the national level. Later, the Plebicite Front founded by Mirza Mohammad Aftab Beg, and patronized by the Sheikh played a vital role in the politics of the State. Founded in August 1955, the Front became a trump card for the Government of India for some time. It, in no way, played an important role at the national and international levels.


Exordium of the National Conference

Immediately after the inception of the Plebicite Front, on account of the Sheikh’s charisma and the slogan, it became a stable and irrevocable organization. It initiated its struggle to fight for the self-determination for the people of Jammu and Kashmir. The founding of the Plebicite Front and the imprisonment of the leaders, provided a chance for Pakistan, to use the organization against India in international forums. Writes Mullik, “The incriminating letters recovered from Aftab Beg during his second arrest in 1956 had disclosed that regular communication was being maintained between the War Council and the Plebicite Front leaders. With those in the jail, including Sheikh Abdullah, by means of couriers. One of these letters showed that the Sheikh had sent instructions to equate Pakistan with India in future.” Further, there was also a mention of the letter addressed to the Security Council demanding plebicite which had been smuggled to Pakistan. The photostate copy of this appeared in Pakistani papers in January, 1957, simultaneously with its presentation in the Security Council.

The slogan of the organization had the fullest possible support from the people and patronage of the Sheikh. The organization set its goal, coined the new slogans and promises. During January, 1958, the Sheikh was released and on his way to Srinagar and his arrival in the city, witnessed a rousing welcome for the Kashmir leader. During a public speech the Sheikh remarked,

“Pt. Nehru is a great man, a close associate of mine and I still respect him. It is in the nature of man that dur-

57. The slogan’s during Plebicite Front politics were:
“Our demand Plebicite”, “We want Plebicite”, “Long Live Abdullah”, This is our country”
ing adversity the flower thrown by a friend appears heavier and more injurious than the stone thrown by an enemy. The Sheikh was also critical of the leadership of the National Conference, forming the government and challenged their claim of irrevocability of accession. He said, "The present government’s claim of Kashmir being an integral part of India is a worthless claim", and further added that the government which is not true representative of the people cannot take the finality of accession to the hearts of the people.  

The politics of Plebiscite continued from 1955 on to 1975. During this period the Sheikh and his party the Plebiscite Front, on the one hand tried to pressurize the Government of India both at national level and the international level and on the other created a sense of insecurity among the people with regard to their future. During the period the Plebiscite Front workers either remained in jail or were released. The period from 8th January, 1958 to April 30, 1958 (112 days) was the period of attacks on each other. The Sheikh wanted political defeat to the Central leadership and to the State leadership. Consequently, it was alleged that the Plebiscite Front imported arms, explosives, razakars and received money from Pakistan. B.N. Mullik says, "Thereafter Pakistan started sending financial aid to the Plebiscite Front and it came to various personages but a larger part of the money came to Begum Abdullah, who passed on the funds to various members of the Front." During his release a rumour was afloat that the Sheikh was conspiring to occupy Mujahid Manzil in Srinagar, a political headquarters since 1931, which could be then a venue for Plebiscite Front activities. This being a challenge to Bakshi regime was averted at the eleventh hour.

Exordium of the National Conference

The Plebiscite Front activities, with the help of other political parties, in particular Jamat-i-Islami Kashmir, were construed to be secessionist in nature and against the very basis of Indian secularism and federalization during fifties. Consequently, a case was instituted against the leadership. The features of the case are as under:

(a) After the arrest of the Sheikh in 1953, his friends, sympathisers, and relations outside the jail started an orgy of violence which took the State government three to four weeks to control.

(b) Attempt to overthrow the government by means of criminal force.

(c) To create hostile sentiments against India.

(d) Establishment of a War Council.

(e) Contacts with Pakistan to assure support for the National Conference.

The case, known as Kashmir Conspiracy Case, willy nilly, continued till the theft of sacred relic from the Hazratbal shrines. The sacred relic theft resulted in a politics that changed and modified completely the future course of political history in Kashmir. The complete picture of the place of the Moe-e-Maqaddas after its theft is provided by B.N. Mullik as under:

"December 20, 1963 was the last day when a ‘Deedar’ of the Moe-e-Maqaddas had been given. This was the Friday following the Miraj-e-’Alam. After the Deedar, the Moe-e-Maqaddas had been put back in its place by the Senior Nishan Dez, Rahim Banday, in the afternoon. In the evening of December 26 a private exposition was given to a person by the same Nishan Dez and latter claimed to have replaced the Moe-e-Maqaddas at

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59. Ibid., p. 27.
60. B.N. Mullik, My Years with Nehru, Allied, Delhi, p. 74.
61. Ibid.
63. B.N. Mullik, My Years with Nehru, Allied, Delhi, 1972, p. 72.
the proper place. Thereafter, the Nishan Dez had gone to his home. Besides a few pilgrims who prayed at the mosque till about midnight nobody remained in the mosque prayer hall, which is in front of the room where the Moe-e-Maqaddas was kept. But by midnight due to severe cold all these pilgrims had also left and the prayer hall was empty. In the early morning of December 27, Rahim Banday found that the side door of the passage leading to the room housing the Moe-e-Maqaddas had been broken open and both locks of the inner door leading to the sanctuary had also been forced open. The lock of the front door of the passage had also been forced from inside. The wooden box containing the Moe-e-Muqaddas had been taken out from the small wooden shelf, in which it had been kept, after forcing open the shelf, and the small bag containing the tube with the Moe-e-Muqaddas inside had been removed leaving the velvet covering, the trappings and the wooden box behind in the shelf."  

The news about the loss of the Moe-e-Muqaddas travelled like wild fire in the valley—from Kannahbal to Khadanyar. Large crowds started collecting at the mosque from early morning through afternoons till evening protesting against the theft. They demanded its restoration and punishment for those who had committed the crime. The agitation continued for complete seventeen days and the disappeared relic had been reconverted but the politics it initiated was of an intriguing nature. It led to a total but minirevolution in the State causing great worry to the Central government. B.N. Mullik saw everything closed in Srinagar offices, schools, shops, cinemas and restaurants. An Action Committee had been formed and Maulana Farooq had been appointed its President. The protestations ultimately led to politics. The slogans were raised in favour of the release of the Sheikh and his workers. The Government of India had been successful in obtaining a consensus for a change in the Kashmir government with G.M. Sadiq as the Chief Minister (then the office was designated as the Prime Minister). This episode changed the entire thinking of Government of India with regard to Kashmir. During the period Nehru’s mind is well described by B.N. Mullik in the following words:

"The Prime Minister started by saying that even after fifteen years of association, if Kashmir still remained in such an unstable state that even on a simple issue like the Moe-e-Muqaddas the people could be so provoked as to rise in defiance of the government, then, in his opinion a new approach had to be made and a radical change in our thinking about Kashmir was called for. He said that he felt disappointed that after all what had been done for the people of Kashmir they were apparently still dissatisfied and though much of this dissatisfaction was due to a certain amount of misgovernment, all of it could not be ascribed to that cause. He also felt that Sheikh Abdullah still had a strong hold on the people of Kashmir and in the changed circumstances, no political settlement in the Valley could be thought of without bringing him in. It was, therefore, desirable that he should be released and to that extent he supported Sadiq, though he felt unhappy that this decision had been taken by him unilaterally and an announcement had been made without consulting the Government of India."  

The Sheikh was released and the State politics entered a new era with two phases. The first phase was a confrontation between the Sadiq government and the Sheikh and the second phase related to the reconciliation between the Sheikh and the Central government.

64. B.N. Mullik, My Years with Nehru, Allied, Delhi, pp. 119-120.
65. Ibid., p. 128.
66. Ibid., p. 172.
At the domestic level, there had emerged three forces—Sadiq in the government, Maulana Farooq as the leader of the Moe-e-Muqaddas movement and the Sheikh as the man of charisma, leaving Bakshi group as a defeated group. There was Sheikh Abdullah’s group frustrated and consequently “shouting wild”. It was not possible for a leader of about 34 years standing to recognize a ‘political mushroom’. The classes amongst various groups ensued. Bakra versus Gada (goat Versus fish)—goat representing Maulana Yousuf Shah and fish representing Sheikh Abdullah, was an old politics of phenomenal dissension. Further, Sadiq, in view of Bakshi’s possible political trucency and stabilizing his position sought the goodwill of the Centre by converting his National Conference into the Congress having affiliations and becoming part of the Indian National Congress. The Sheikh, therefore, decided to challenge not only the Bakshi National Conference but also Congress, Maulana Farooq’s Awami Action Committee and other forces in the State. He faced the Congress, which under the leadership of Sadiq, was trying to erode the special position of the State through social boycott. The confrontation between the Sheikh’s Plebiscite Front and the Congress was acute and discouraging for the ruling party and the Centre.

Politics of the State did not stop here. From domestic rivalry amongst the “political mushroom”, the Sheikh and his Lieutenant Beg, left for pilgrimage to Mecca, in 1965. During their outside tour, they met Chou-En-lie, the Chinese Prime Minister and then Pakistan’s Foreign Minister Zulfqar Ali Bhutto. On their return in May, 1965, they were both arrested. First in Tamil Nadu and later in Cotla Lane, Delhi, the Sheikh remained outside the State from May, 1965 till 1968. During 1967, Bakshi reorganized the National Conference and fought elections against the Congress. The same techniques and methods were employed by the Sadiq administration against Bakshi Gulam Mohammad as the latter had used against the former. Bakshi, of who Sadiq was afraid of, was, therefore, kept under the pressure of an enquiry commission known as Ayyengar Commission, which had been empowered to go through the misuse of power by Bakshi Gulam Mohammad during his tenure of office. The report of the Commission was designated by Bakshi as “Anger Commission” as he believed its inception based on personal vendetta. The Sheikh’s internment outside the State along with Mr. Beg, the Plebiscite Front workers behind, the bars within the State Bakshi and his party demoralized owing to the Democles’s sword of the Commission and then the arrest of his workers, Plebiscite Front banned and not allowed to participate in elections, Sadiq had clean play ground to play politics. In banning Plebiscite Front, the Congress sought a reprieve for its organization and leadership, for they thought roaring of the lion in the Valley dangerous to their security.

After having held in custody for eleven years with a small break in 1958, Sheikh was released in 1964, under the liberalization policy of Gulam Mohammad Sadiq. Sheikh Abdullah, even after his release,

69. Articles 356 and 357 of Indian Constitution, jurisdiction of the Supreme Court over the State and conversion of designations of Sadr-e-Riyasat into Governor and of Prime Minister into Chief Minister, were applied and carried during Sadiq’s time of governance.
70. Ibid., n. 68, p. 182.
remained suspect in the eyes of Indian people and could therefore find no way out to carry favour with the Central government.\textsuperscript{74} He therefore continued to hold a rigid attitude about accession, constantly stressing that the Kashmiris must be given chance to confirm or reject their joining with the rest of India, which he then held to be temporary as entered by the National Conference and the Central leadership. At the same time Union government was not prepared to revise its policy towards him until he reaffirmed in unequivocal terms that Kashmir’s accession to India was final and irrevocable.

Some sections in Government of India and some others outside the seat of authority believed that the many years in imprisonment and exile, the Sheikh might have turned wiser and rational. One amongst them P.N. Bazaz met him in New Delhi in winter 1968 with a proposal to hold a convention of State people’s on non-party basis and discuss the future of Kashmir. Bazaz believed the convention to end the impasse. He had brought the Kashmir politics and his own public career to. The Sheikh agreed and asked him (Bazaz) to go ahead with implementation of the proposal.\textsuperscript{75}

The first session of the J and K State People’s Convention was held in Srinagar on October 18, 1968. It was attended by 260 delegates, hailing from many parts of the State. The convention held many meetings and in the beginning the Sheikh and Mr. Beg stressed that accession of the State was main problem and the only way to solve it was the holding of plebiscite. Nearing end, however, it was revealed that they abandoned their stand and servilely accepted the Central government’s terms.\textsuperscript{76} However, writes P.N. Bazaz, “To keep his face before the Kashmiris, the Sheikh submitted a demand that whatever laws had been passed and applied to Kashmir, during the period when he

\textsuperscript{74} P.N. Bazaz, Democracy Through Intimidation and Terror Heritage, Delhi, 1978, p. 18.

\textsuperscript{75} Ibid., p. 29.

\textsuperscript{76} Ibid., p. 24.

\textsuperscript{77} Ibid.
it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953. On any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 234 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to Clause 2 of that Article. The State government shall be consulted regarding the application of any such law to the State and the views of the State government shall receive fullest consideration.

(5) As an arrangement reciprocal to what has been provided under Article 368, as a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir, relating to any of the under-mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent, the matters are:

(a) The appointment, powers, functions, duties, privileges and immunities of the Government;

(b) The following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the Electoral Rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in Sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir. 78


Jubilation ensued with the Plebiscite Front workers at the end of the accord and Sheikh Abdullah assisted by Aziz Beg assumed power with the support of the majority Congress legislature Party in Kashmir Assembly in early March, 1975. Earlier, the Sheikh and the Plebiscite Front met in a special delegate session on 4th and 5th July 1975 at Mujahid Manzil in Srinagar. There were nearly 1500 delegates who attended the session. The session had discussions and deliberations for two days and at the end Sheikh Ghulam Mohd Badarwahi moved a resolution which was passed unanimously. It read, "Today, the 5th July 1975 the representatives from all parts of the State of J. & K., after due deliberations for nearly 13 hours, decide that under present circumstances the name of the Plebiscite Front be changed into the National Conference. Consequent upon it necessary amendments in the Constitution be made so that in view of the accord with Government of India a confirmity in the name and the business be created and this change be made in all subordinate committees of the organization." 79

Thus a new chapter in the life of the Sheikh and the National Conference was initiated to determine the course of politics of the State of J. & K. The National Conference since then is not only in power but in a position to determine politics, in government, in the field, in the national life and to some extent in the international field. It is worth-noting that immediately after the assumption of power the Sheikh in a letter to Mrs. Indira Gandhi affirmed, "the country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism, to strengthen your hands as the leader of the Nation and it is in this spirit that I am offering my whole-hearted co-operation." 80

79. All J & K Plebiscite Front Special Delegate Session, Mujahid Manzil, Srinagar, Publicity Section of the Front, 1975, Para II.

CHAPTER II

The Politics of Plebiscite

Since 1955 until July 1975, the political history of Kashmir is nothing but the history of the politics of plebiscite. It started nearly two years after the Accession of the State with the Dominion of India and accession was the basic issue round which the politics of plebiscite revolved. Today it has no relevance. P.N. Bazaz while musing on the future of Kashmir writes,

"Today we are faced with the accession issue. It is a minor problem in the context of the titanic war that Kashmiris, like all nations of the world, have been engaged in since the dawn of history. But to us of the present generation the issue appears more formidable than anything else. Our forefathers must have viewed contemporary problems that they had to face from time to time in the same way. When we read about those problems today in the pages of history we feel how meaningless they were. Not many years after a similar view will be held about the accession issue."¹

Exactly, today, accession issue is rendered uncalled for. It has no relevance to the present politics of the State. But assuredly the accession issue was formidable for a pretty long time. Since 1955, the same issue was recognizable through the slogan of 'Plebiscite'. This plebiscite has some relevance

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vote for it. Consequently, the leadership, considered it a tremendous task and added,

“We have to recall all the Muslims, Hindus and Sikhs who have migrated from the State—we have to feed them and it is not easy task. Even in an ordinary election, in which hardly ten percent people have to vote—you have to make all types of arrangements. Even if you have to conduct a marriage you have to bother yourself. Consequently, you have to go ahead slowly and steadily.”

The Sheikh further admitted in his speech before the two lakhs of people at the shrine that people are the masters of their fate and that Pakistan accepted the right to plebiscite which India had, presented earlier and consequently they had to wait for some time more because Pakistan’s devastation in Kashmir rendered the conditions worst for purposes of conducting the plebiscite. Soon after the rise of Dogra nationalism in Jammu, as antagonists to Muslim Nationalism of Kashmir shook the ideology of the Sheikh and he started deviating from the earlier path, though temporarily, but committing to the right of self-determination, until the conversion of Plebiscite Front into the National Conference in 1975. This slogan paid him and his party good dividends. By 1952, he had lost his temper and he said, “Kashmir acceding to India will have to be of a restricted nature so long as communalism has a foothold on the soil of India”, he ejaculated on April 10, 1952 in Ranbir Singh Pora. “We are prepared to welcome application of India’s Constitution to Kashmir in its entirety once we are satisfied that the grave of communalism has been finally dug in India. Of that we are not clear yet.” In the gathering he made a clean breast of what was passing in his mind. “Some people here and in the Indian press also have started questioning our very fundamental rights to shape our destiny in our own way. They do not tell us what will happen to Kashmir if there is resurgence of communalism in India and how under that circumstance we are to convince the Muslims of Kashmir that India does not intend to swallow up Kashmir.” Sheikh Abdullah added, “So far as Kashmir is concerned, it wants to preach the mission of secular democracy both to India and Pakistan.” On Martyr’s day, July 13, Sheikh Abdullah before a public gathering levelled charge against India, “She does not appear to be prepared to give the right of self-determination to Kashmiris so long as she is not fully convinced that the public opinion will support her.” In this speech he declared: “If I find that by acceding to Pakistan we can go forward no power can suppress me to say so.”

The politics of the slogan, as the National Conference conjectured was the best to their interests and they knew that it would swing public opinion to their side. Nearing the end of his regime in 1952, the National Conference had lost confidence of the people so writes B.N. Mullik, “In fact according to Bakhshi” except for his politics, as a person the Sheikh was not much liked in the Valley.” To gain back the prestige and to regain the popularity, the slogan of plebiscite paid well, otherwise says P.N. Bazaz, “The nationalists never want to have a plebiscite held in the State to ascertain the views of the people. They create all conceivable hurdles in the path of a

5. Ibid.
8. Ibid., p. 666.
9. B.N. Mullik, My Years with Nehru, Allied, Delhi, 196.
peaceful solution.”  

However, the fall of the Sheikh from power in August 1953, made them more conscious to use the tool of the plebiscite for determining further the course of politics in the State.

During the rule of the National Conference from 1947 to 1952, the avowed policy of the party was that Pakistan cannot be denied to be the party to the dispute. But then her position is one of aggressor, who is required to vacate aggression. The Sheikh’s statements, during the period, harped on this theme. In his Presidential Address, he said,

“We invited the United Nations to settle the Kashmir issue and punish the aggressor, instead it started doubting and suspecting the Indian intentions. It failed to settle the issue peacefully and instead finalizing it, it in the guise of right to plebiscite decided upon a technique which has nothing to do with the punishment of the aggressor.”

After his fall from the pedestal, the Sheikh and the National Conference shifted the stand and it became his contention that Pakistan has a claim on Kashmir which should be admitted and reconciled with the claims of the other two parties—India and Kashmir. Writes B. L. Sharma, “with one stroke of the brush he has white-washed Pakistan’s guilt, fastened upon her not only by India, not only by himself in the period 1947-52, but also by independent observers and agencies appointed by the United Nations. In other words, all that Pakistan did between 20 October, 1947 when she invaded Jammu and Kashmir, and his last release is of no consequence, since evidently, according to Abdullah, the basic problem has changed. The issue for him is no longer one of


Pakistan’s aggression or its vacation but of appealing aggressor.”

In the post 1953 era according to P. N. Bazaz, the slogan of Plebiscite was used for blackmailing the Centre. He writes, “The Kashmiri Nababs resorted to blackmailing the Central leaders to achieve their personal ends and would raise, at times, the slogans of plebiscite and right of self-determination if the Central leadership slightly tried to resist the fulfillment of their extravagant ambitions.”

To this end of politics in the State, the National Conference and other local and political parties of National level worked. However, in the post 1956 era, the politics of the State was influenced, abetted and blackmailed by the slogan of plebiscite through the Plebiscite Front, if not controlled by it.

The Plebiscite Front was founded as a party to struggle for the right of self-determination in 1955. The founder of the party, Mirza Afzal Beg, a lawyer and a politician, on his release from detention on health grounds found an opportunity to establish the party and remained its President for the whole of its life. During the President’s detentions only interim arrangements for officiating or acting Presidents were initiated. Soon after the Plebiscite Front became a potent threat for the Indian Government and leadership both at the domestic and international levels. Assuredly, the organization reached its grass roots for the people voluntarily accepted its membership. This organization could establish its units in every village, every Mohalla of every town and city. Virtually all the people lived with the organization as they treated the slogan of right of self-determination as to “bring nearer that state of affairs in which Human Rights could be positive


The Politics of Plebiscite

To further elucidate these three fundamental issues with regard to the accession of the State with India were elaborated by the Sheikh in his statement as early as 1958. He visualized three fundamental problems on the release from detention in 1958. Firstly, he desired that political future of the State of Jammu and Kashmir be determined as soon as possible. Secondly, he thought that the political uncertainty of the State is not destructive for India and Pakistan but suicidal for the whole of Asia. Consequently, he advised Government of India that the only solution of the problem would be to grant of self-determination to the people of the State under the right impartial supervision of an impartial agency.

Lashing at the opponents of the settling of the dispute of Kashmir, the Sheikh condemned the vested interests for covering the facts and misrepresenting his statements for their own purposes. He was vociferous in reminding them (the vested interests) not to label him a foreign agent and communal as this would not, in any way, hamper the perpetuation of tyranny against the people of the State of J & K. He said that since August 1933, their political manipulations and conspiracies against him or his people would not, in any way, help India or the cause of India. For him, these all conspiracies were only against the people who are under the political and economic tyrannies.

According to the Sheikh and the leaders of the Plebiscite Front, the aim of labelling them ‘communal’ and ‘anti-India’ was to force them to subjugation and he was confident he could not be blackmailed. He believed that labelling him communal was not new and he asserted that the northern Indian press had perpetrated the propaganda since 1931. According to him this press had all along said that he wanted to become “Sultan of Kashmir”—and there is already a crown installed and ready in a mosque and was to be coronated

17. Rai Shumari Keun, (Urdu), Press and Information Department, J & K Plebiscite Front, pp. 3-4.
18. Ibid., pp. 5-6.
19. Ibid., p. 6.
20. Ibid., p. 7.
at an opportune time.21 These all false accusations were falsified by the time he asserted and the movement flourished. Even the slogan "Kashmir Chod Do" which was purely a political slogan for acquisition of independence and freedom, was construed to have in its designs some communal undertones. However, the Sheikh asserted in his statement that on the actual trial and test in 1947, the world had acknowledged my convictions in Democracy and Secularism. In the post 1947, except for first one or two years the press and various platforms reiterated the earlier stand of labelling me a communalist, separatist and non-loyalist.22

The Plebiscite Front leaders and its patron Sheikh Abdullah accosted that he is treated as disloyal. It is asserted by the Government of India and the Indian leaders that I have betrayed them, he said. It is surprising, he argued, that breaking of an agreement is unilateral. It is bilateral—both Governments of India and Kashmir in their agreements and instruments of accession had made certain promises and shouldered some responsibilities. The Sheikh called them to ascertain whether they have fulfilled the promises made by Mr. Nehru at the Lal Chowk Srinagar and his promise over the AIR on second November, 1947.23

As an evidence, he quoted in his statement, the Article 370 of the Indian Constitution which conceded at the time to hold with Central government only the affairs of Defence, Foreign relations and communication. Consequently, the Sheikh asked the leadership, if they had stuck to those constitutional guarantees which were unamendable under the Constitution at that juncture.

22. Ibid., pp. 10-11.
23. Ibid., pp. 11-13. In the statements Mr. Nehru had declared that once the normal conditions in the State are restored the people will have a right to determine their future through "Right to Self-determination."

The Politics of Plebiscite

The Plebiscite Front asserted that it is a false accusation that the Sixth Assembly decision with regard to accession is final. According to it the Government of India under the U.N. auspices had already conceded that the Assembly had no right to deal with the question of Accession. Consequently, they quoted S. Rao to have said before the U.N. Council:

"The Constituent Assembly shall not be constrained in its deliberations to give opinions with regard to accession of the State. But the Government of India shall not be bound by the opinions of the Assembly nor shall such opinion affect the jurisdiction of the Security Council of the U.N."24

Further the leaders of the Plebiscite Front and the Sheikh rebutted the Indian leadership while pleading for the plebiscite on the basis of the Resolution of the U.N. Council which records:

"Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of 21st April 1948, 3 Juge 1948 and March 1950 and the United Nations Commissions for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic means of free and impartial plebiscite conducted under the auspices of the United Nations."25

Even Nehru, according to the plea of the Plebiscite Front, had conceded that the Constituent Assembly could not take any unilateral decision.26 Further the Plebiscite Front

asserted that Constituent Assembly prior to the Sheikh’s arrest in 1953, had confidence of the people and in the post arrest period of the Sheikh the Assembly had come to the status of illegitimacy. The Front pleaded that many of its members were arrested and others were made to submit to the circumstances either through pressure or intimidation or by corrupting them. The Sheikh himself asserted that while he was under detention he wrote to the President of the Constituent Assembly and wired him too that before taking any decision he ought to be permitted to explain his position before the Assembly, which was never conceded.47

The President of the Plebiscite Front, addressing the Constituent Assembly on 24th October 1956, warned in the following words,

“This house is not entitled to take any decision with regard to the accession of the State or to draft a Constitution as it has lost the confidence of the people. In this connection I place a statement in black and white before the President through the Secretary of the house and I declare that we break our relations with the house.”48

Immediately after this statement, the President of the Plebiscite Front and his associates boycotted the house deliberations. Consequently, the Plebiscite Front, thenceforth, did not approve of any decisions of the Assembly, instead they treated the Assembly as politically illegitimate. Even then the Plebiscite Front asserted that the government’s assumption that the Assembly had the legitimacy, should not have the fear to conduct and carry the plebiscite to vitiolate their own claim. According to them they could never hazard it.49

47. Ibid., p. 19.
48. Ibid., p. 20.
49. Ibid.

The Politics of Plebiscite

According to the Sheikh, the Patron of the Plebiscite Front, the only acceptable and compromising formula for the settlement of the dispute of Kashmir was a free plebiscite. He treated this right to have the basis in the struggle for freedom of Kashmiris against the autocratic rule of the Dogras. He believed that the right to self-determination was the cherished principle for which Kashmiris had fought since 1931, and that Nehru had conceded this universal principle while they had given the slogan of “Kashmir Chod Do”, and the Congress had accepted it throughout its collaboration with the National Conference. Further the Plebiscite Front claimed that the joint declaration made by the Prime Ministers of India and Pakistan had conceded that:

“The two Prime Ministers are of fervent belief that the Kashmir dispute be settled in accordance with the wishes of the people of Jammu and Kashmir—and to ascertain the wishes of the people the best method is to conduct free and impartial plebiscite.”50

Even Bakshi Ghulam Mohammad, who succeeded Sheikh Mohammad Abdullah, declared on Aug. 21, 1953:

“The declaration made by Prime Ministers of India and Pakistan to hold plebiscite in Kashmir is welcomed. We unconditionally approve of it.”51

Conceding that the Indian and Kashmir leadership whether in power or out of power, recognized the right to self-deter- mination to the people of Kashmir, the Plebiscite Front continued to harp or the betrayal of the commitment. The Plebis- cite Front leadership usually gave rejoinders to the leadership for every argument they put-forth. Presenting the communal problem in India, which could be aggravated if Kashmir separated, the Plebiscite Front remarked:

50. Ibid., p. 27.
51. Ibid., d. 28.
The opponents of the principle of right of self-determination for the people of Kashmir believe its operative part not only dangerous but against the security of the minorities in India, particularly the Muslims. The Plebiscite Front leadership did not agree with the argument on the ground that there was a lot of difference between the conditions prevailing in 1947 and 1960. The organization believed that the conditions after 1950 were conducive for the governments of India to control any situations that might arise. The madness and the convulsion that brought slur to the sub-continent in 1947, as Collins put it was a temporary phase. The Plebiscite Front was of the belief that the people on both sides of the ceasefire line were ready to cooperate if the dispute between India and Pakistan could be settled. Similarly, the Plebiscite Front rejected the plea that Kashmir’s accession with India shall strengthen the forces of secularism. They believed that there is a Muslim minority, whose protection, security and progress shall determine the future of secularism in India and encourage others to join such a community if their prosperity and progress is assured. They also advocated that those people who advocate plebiscite in Kashmir, have shown in the struggle for freedom and 1947 onwards that they are both convocationally secular and in behaviour more than secular—and it quoted Sheikh Abdullah’s role as an eye opener for all those who apprehended plebiscite to be the cause of future communalism.

The argument that the socio-economic progress of the State shall be thwarted in case the right to self-determination is conceded to the people of the State, is discarded by the Plebiscite Front on the plea that the economic progress shall in no case be compensated by denying the right of self-determination to the people. Then according to them, the British had no right to leave the Indian sub-continent. It was believed by the Plebiscite Front leadership that it sustains the principle of colonialists that they are interested in the uplift of their colonies.

One of the arguments presented by the Government of India that J & K State is spread over the mountainous areas and it would be tremendous job to ensure the right of self-determination at such far flung areas is treated groundless. Similarly it is believed that Ladakh, having a strategic position in relation with India, is an indispensable area which is not only to be retained but defended as well. It is surprising, says the Plebiscite Front, that Kashmir and its parts are retained or occupied just to be at war with China or other neighbouring States.

One of the solutions according to Government of India, gave the impression that the ceasefire line be treated as the natural division between India and Pakistan. To this solution the Plebiscite Front presented the following counter arguments:

1. The State shall be divided—thousands of families shall stand disintegrated.
2. Economic resources shall be bifurcated and State shall be degenerated to economic stagnation.
3. The decision shall be an army decision imposed on civilian.
4. The division will be communal in nature and more than a Lakh non-Muslims will be cut off from the rest of the population reducing the Muslim population to 33 per cent.

34. Ibid., p. 15.
35. Ibid., pp. 16-17.
36. Ibid., p. 20.
37. Ibid., p. 23.
Thus the politics of plebiscite did not only manifest itself in counter arguments of the leadership of government and leadership in India, but it reflected in every forum, institution, legal defence, foreign press, domestic consumption, international rivalry of Super Powers and almost in every walk of life that suited the leadership of the Front. In the international forums like the U.N Security Council and the General Assembly Kashmir was discussed. The plans presented to Pakistan and India were either rejected or rendered inoperative. “As a last possibility of saving the situation”, Sir Owen Dixon sought to persuade the Prime Ministers of India and Pakistan to attend a conference at which he would put forward the plan of holding a partial plebiscite in a limited area consisting of the Valley of Kashmir and partition the rest of the State between India and Pakistan.” This Dixon Plan was also rejected, but in it lies the genesis of Plebiscite Front assertion that Kashmir was a disputed area.

During the discussions on Kashmir, from time to time, including Sheikh Abdullah’s speech addressed to the Security Council of the United Nations as early as 1948, the politics of plebiscite were ventilated through the debates of the Security Council as well as the General Assembly. Both Indian Government and the Sheikh had recognized the right of self-determination to the people of Kashmir. Even the Sheikh had remarked before the Security Council:—

“As I have submitted to the members of the Security Council, Sheikh Abdullah happens to be there because the people wish it. As long as people wish it, I shall be there.”


Further he added,

“Whatever had been the attitude of Pakistan towards our freedom movement in the past, it would not influence us in our judgement. Neither the friendship of Pandit Nehru and of Congress nor their support of our freedom movement would have any influence upon our decision if we felt that the interests of four million Kashmiris lay in our accession to Pakistan.”

It is really the politics of Plebiscite that was invoked in different forums of the U.N.O. Not only was Kashmir with its slogan of plebiscite discussed in the Security Council and the General Assembly, but in every other organ of the U.N. Pakistan in the beginning did not play the politics of plebiscite but later, in particular after 1953, it was vociferous to achieve this right for the people of Kashmir. Even today they continue to harp on this issue. Recently when Pakistan raised the issue of Kashmir in a U.N. Forum, the Indian representative had to give a rejoinder resulting “in the deadlock of the talks between India and Pakistan on the offer of “No War Pact”. It is known to the whole world, in particular to the people of the sub-continent that representatives of India and Pakistan like V. K. Krishna Menon, Gopalaswami Ayyanger, Sir Zafar-Ullah Khan, and later Zulfiqar Ali Bhutto wasted hours altogether in the U.N. Forums to either reject plebiscite or permit the right to the people of Kashmir. The controversy over the State, resulted in a waste of energy and money. For both countries, the politics of plebiscite continued at its pitch at many a time. In 1964, the foreign Minister of Pakistan Zulfiqar Ali Bhutto complained that India, while continuously denying the right of self-determination to the people of Kashmir, was “taking further steps to fully integrate Kashmir with the rest of the country. The unfortunate theft of the holy relic from the Hazratbal shrine near Srinagar—which had thrown the people of Kashmir into grief—was termed

40. Ibid., p. 5.
as a conspiracy to drive out Muslims out of India. Pakistan's application in fact, "as a horror story", but as Mr. Chagla, India's representative, said at the Security Council, "All this is a figment of vivid imagination."41

The Sheikh's concern right from his detention in 1953 and the manipulations of the Front, envisaged that plebiscite becomes so distinctive slogan which creates problems for Indian government both in her internal affairs and external relations with the members of the U.N.O. The Front actually, both on account of weakness of Indian policy with regard to Kashmir and Pakistan's weakness from the inception of its existence toward the establishment of a democratic set up in Pakistan, the Plebiscite Front was successful in creating an uncertainty within and without the State of Jammu and Kashmir. We have already discussed how, in view of the liaison of the Plebiscite Front with the Government of Pakistan, the latter were in a position to raise the issue in the world forums. Consequently, in the beginning the slogan of the plebiscite raised in the Constituent Assembly, and later in the Legislative Assembly, the Front was in a position to motivate the Kashmir populace towards the same slogan. Assuredly, Mirza Afzal Beg was vociferous in the Assembly not only to derecognize the legitimacy of the Assembly but also inform the house that the opinion of the people of Kashmir was not ascertained. Addressing the Assembly the futility of a plebiscite under certain conditions Sheikh Abdullah said, not until the fundamental unity of this State is restored and not until people in every part of the State are enabled to freely associate to decide their own future can there be any lasting or peaceful settlement of Kashmir problem".42 Even after the absence of the members of the Plebiscite Front in the Assembly, the Plebiscite Front could either through some sympathisers in the Assembly or through

42. Satish Vashishth, Sheikh Abdullah Then and Now, Manik Sahita Prakashan, Delhi, 1968, p. 69.

The Politics of Plebiscite

the Jamat-i-Islami were in a position to talk about the relevance of the plebiscite to settle the Kashmir dispute. In 1972, a member of the Jamat in the Assembly confessed that the State's accession was disputed and when he was called by ruling members, the other prominent members defended his contention by quoting Simla Agreement whereby Kashmir was agreed to be on the list of disputed ones between India and Pakistan.43

During the detention of the leaders of the Plebiscite Front, the endeavour of the leadership was to perpetuate the slogan of plebiscite and to this extent even the defence of the Sheikh whether prior to 1947 or in the post 1953, period harped on and defended the political actions of the members on the principle of right of self-determination. Mr. Asif Ali advocating the acquittal of the Sheikh during his detention in 1946 said before the court,

"The essence of my case is that the accused is fighting against the tyranny perpetrated against the purchased slaves of the people of Kashmir—this kind of treatment is against the human dignity and the sense of conscience and therefore instead of, interpreting the agreements, it is imperative to go to the conduct of right of self-determination which after First World War under the Treaty of Versailles has been recognized as the basic principle for ascertaining the will of the people."44

Similarly, during the Sheikh's trial after 1954, the politics of plebiscite played its own role in the defence of the accused. The Government tried to accuse the leaders of subverting the constitutional government through unconstitutional methods and the accused defence culminated in labelling the government

43. Assembly Debates, Autumn Session, 1972. The two members were Ali Mohammad and Syed Gilani Shah of Jamat-i-Islami.
in acting against the wishes of the people of the State. For instance, the defence in the well known conspiracy case asserted in the following statements the same principle of plebiscite:

“Our faith is that people alone are master of their fate. The Indians also believe that Kashmiris alone, under the U.N. auspices are in a position, through the right of self-determination, to settle their future.”

Justifying the right of self-determination for the people of Kashmir, before the Special Magistrate trying the Plebiscite Front leaders, the President of the Front emphasised the argument that from Mahatma Gandhi, Nehru down to the Maharaja of Kashmir including Lord Mountbatten, Swami Ayyenger and many others the principle was promised for the people. The President consequently pleaded acquittal on the ground that they fought the cause of a universal right which could not be denied to the people of Kashmir.

The President of the Plebiscite Front pleaded that the accession of the State to the Indian dominion was temporary and subject to the right to plebiscite. Throughout the deliberations, discussions, arguments and counter arguments between the defence Council and the prosecution, the emphasis was on the right of plebiscite, by the former. In the trials of the Kashmir leaders both during Maharaja’s rule and the Conspiracy case in post 1947, it was asserted by Defence Council that the cases against the Sheikh and his workers were the cases against all the people of Kashmir.

The world press also started assisting the Plebiscite Front in its advocacy of granting the right to self-determination to the people of Kashmir. The press, however, had a polarization.

46. Ibid., pp. 143-148.
47. Fugani Kashmir and Khalid Weekly, Historical Trial, 1960 and 1946 respectively.

The Western papers usually and mostly helped the organization, whereas the Communist countries press gave moral support to the stand of Indian Government. That the Communist press and Russian Government everywhere supported the Government of India was fate accomplished. In the beginning the Russians proved to be inaudible on the issue in the UN forums but later they usually vetoed various resolutions on Kashmir. However, the Western press, Pakistan and the UNO forums continued to advocate plebiscite for the people of Kashmir. At the same Sheikh Abdullah, as asserted by Sharma, “acting as a mouthpiece of Pakistan vis-a-vis his demand for plebiscite in Kashmir could not entitle him to claim friendship with India.”

by Government of India. In a Presidential address, Mirza Afzal Beg, the founder of the Plebiscite Front, in 1964 had many advocacies and assertions with regard to Kashmir, emphasising the people their role and reminding the delegates of organization to struggle for achieving the right of self-determination. In this Presidential address, the president asserted:

1. India has accepted the right to plebiscite to the people of Kashmir without reservations.
2. Plebiscite is unamendable and irrevocable recognized democratic right of all nations of the world.
3. Plebiscite is a birth right and consequently undeniable even to small nations.
4. Plebiscite alone is the best method to settle all political issues through peaceful means.

The Mirza, in his address, also counter argued the stand taken by the Government and various individuals and agencies in India, negating the principle that the Kashmir dispute be settled on the basis of right of self-determination. In addition to many arguments, it said:

1. Pakistan’s entry into CENTO and SEATO has no relevance to the right of self-determination for the people of Kashmir.
2. The right to self-determination was an Ad hoc proposal and hence shall be denied is not based on realism. The

49. (i) Rai Shumari Kanvan, P. P. Publication, Peoples Press, 1958, which is a statement by Sheikh Abdullah in the form of a pamphlet.
(ii) Hamari Admi Maujudi Man Hamari Kismat Ka Paisla Karnai Waloon Se Ham Kahate Han/Urdu.
50. Mirza Afzal Beg, Presidential Address, 1964, pp. 6-7.

3. To subordinate the right of plebiscite to the argument that it shall disturb the balance of power in South East Asia is unjust.

4. It is argued that the accession has been finally settled through two general elections and Constituent Assembly has ratified it, is untenable. The world knows that elections were false and the issue of accession had not been placed before the people. Secondly, the Sheikh and the National Conference leaders were behind bars when Constituent Assembly was discussing the issue of accession. Thirdly, Indian Government had agreed that even if the Constituent Assembly expresses an opinion on the issue of accession, it shall not be bound by it. The issue of the accession of the State had been presented to the Constituent Assembly only, after the imprisonment of the Sheikh and his party leaders.

5. The argument that by separating Kashmir from the rest of India, Indian secularism will receive a set back, it said plea it unsound, because it is only an assumption that Kashmiris will vote against India. Secondly, the verifiability of secularism of a great or a small country cannot be subjected to a small chunk of population. It depends only on the extent of the protection that majority or its government guarantees to the minorities.

The Mirza, explaining in detail the reasons why the organization fights for the right of self-determination for the people of Kashmir, provides the following:

51. Ibid., p. 8.
52. Ibid., p. 10.
53. Ibid., p. 11.
54. Ibid., p. 12.
The accession of the State to India is temporary. Instrument of accession and letter of introduction to it is enough evidence.

2. Gopala Swami Ayyenger, as the leader of Indian delegation in the United Nations said,

"We accepted accession of the State under certain strains and stresses and as soon as conditions in the State return to normally, we shall permit them either to ratify the accession through the instrument of a plebiscite or after changing their stand accede to Pakistan."55

3. The Governor-General in return to the latter of accession remarked:

"In accordance with the policy of the Government of India, wherever and wherever, an occasion becomes disputable, it is government's opinion to refer it to the people on the restoration of normal conditions in the State."

Even Mr. Nehru in a broadcast on 2nd November, 1947 stated:

"We declare that the decision regarding Kashmir, shall be made by its peoples ... neither we can revoke this pledge nor we shall revoke it."56

According to the plea the Plebiscite Front argued that the discussion that entailed the incorporation of Article 370 and in earlier document Article 306 A had emphasised India’s constitutional guarantee for the right of self-determination for the people of Kashmir in the Constituent Assembly. This discussion took place only because Gopala Swami Ayyenger

56. Ibid., p. 15.

The Politics of Plebiscite

desired to impress upon the Constituent Assembly that the article is temporary. According to the Plebiscite Front the Governor-General himself had conceded that the accession is disputed by calling it “disputed accession”. Similarly Gandhi Ji, the saint had also committed to it. Further it is believed that the Governor-General had conceded before the Maharaja of the State in the following words:

"Indian Army is dispatched to help and assist your army so that your territory could be defended and protected."57

At the domestic level they usually made people of the State conscious of their political, economic, social and physical insecurity. They used to refer to the uncertainty caused at the borders of India and Pakistan because of Kashmir dispute. It pleaded that both the dominions are arming their position on the soil of Kashmir. It maintained that the governments after the fall of the Sheikh had miserably failed on the economic front. Without presenting a data the President of the Plebiscite Front put forth the following:

1. Some industries in Public Sector were closed because they were running at a loss. A Committee to study them was instituted under the chairmanship of Mr. Ayub, Deputy Speaker, Legislative Assembly.

2. Financial positions of Match Factory and Pharmaceutical works at Baramullah are doubtful.

3. Brick and Tile Factory has far less production than visualized and its financial position is also doubtful.58

4. The buildings erected for locating industries and named as Industrial Estates are enjoyed by Jawans of C.R.P.

5. The various departments run the balances which runs in

57. Ibid., p. 19.
58. Ibid., pp. 21-24.
crores and it seems the Government shall have to write them off.

6. Transport charges from Srinagar to Pathankot are heavy.

7. Agriculture is in doldrums.\(^{59}\)

Thus, the Plebiscite Front asserts that all the "economic uplift" propaganda is farce and false. What, according to them, is true is the perpetuation of uncertainty in the State so that men in power could exploit to the best of their advantage. Thus the President of the Plebiscite Front in his address before the workers said,

"Until and unless the dispute over Kashmir between India and Pakistan is not settled, no economic, social, moral and spiritual uplift of the people of the State is possible. It is surprising that most of the powers in the U.N.O., who advocated right to the peoples of the world are now silent over the issue on account of political expediency. However, it is gratifying that many small Afro-Asian States are favourable to the cause of the right of plebiscite. Consequently, to achieve our goal it becomes operative on us that we discipline our organization and prepare ourselves for any sacrifice that might await us. We are taught by our leader Sheikh Mohammad Abdullah to be cautious and not be swayed by the sentiment and consequently we must be disciplined to fight our cause."\(^{60}\)

During the release of the leaders of the Plebiscite Front in 1964, they reviewed their stand and took up the position of reconciliation between India and Pakistan. They were permitted to visit Pakistan—the Plebiscite Front flag also demonstrated the friendship bond but alas their attempts failed to reach a solution. The course of political history of Kashmir might have been different had not been Pt. Nehru died suddenly, cutting short the Plebiscite Front leaders tour to Pakistan.

During all the years from 1947 onwards, until 1964, Kashmir at the U.N.O. had its own history. The Super Powers had a definite attitude in the beginning and with the evolution in the history of the dispute changes occurred. During first four years of debate in the Security Council, Russians remained silent. In due course of time they shifted the stand and favoured the Indian stand. By the time Russians started vetoing the resolutions on Kashmir, Resolutions of the Security Council dated January 20, 1948, April 21, 1948, March 30, 1951, November 10, 1951 had been passed. These all resolutions had agreed to decide the issue through free and impartial plebiscite. Many Commissions were appointed and while reporting they had also emphasised either total or partial plebiscite. Resolution of the Security Council of April 21, 1948, in addition to other things, read as:

"Being strongly of the opinion that the early restoration of peace and order in J & K is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting;"

"Nothing with satisfaction that both India and Pakistan desire that the question of accession of J & K to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite."\(^{61}\)

Thus, from the beginning the emphasis on plebiscite was in due course of time dissolved when two super started opposing each other. The Powers like England and United States of America supporting the cause of plebiscite and Russian supporting the Indian stand. Consequential to this super

59. Ibid.
60. Ibid., pp. 24-25.
61. K. K. Misra, Kashmir and India's Foreign Policy, 1979, S-726.
power rivalry and cooling down of the issue in the forum, resolutions on Kashmir dispute resulted in freezing the issue to India and Pakistan relations. For example, the resolution of November 10, 1951 observes 9

"Notes with gratification the declared agreement of the two parties to those parts of Dr. Graham’s proposals which affirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations." 82

The Kashmir dispute at the U.N. had wider dimensions in the beginning but later while reducing it to the level of bilateral discussions it was frozen. However, whether it sold like hot cake the Plebiscite Front after 1953 used it for its own purpose and made politics out of it. Even if it was cold, the organization used it as the instrument of politics which proved by the visits of the Front leaders to Pakistan. Politics of plebiscite in one form or the other could be used by the Kashmir leadership from 1953 till their assumption of power in February, 1975.

By 1974, the Plebiscite Front had taken the politics of plebiscite from one extreme to the other. They had learnt a lesson from the politics of plebiscite—and it was that no principle is ever cherished in politics. Thus, Plebiscite Front had to take new decisions in the light of the conditions prevailing in Kashmir viz-a-viz India and Pakistan. Bangladesh had existed and the realities could not be ignored. The Plebiscite Front’s decisions were governed by the principle,

“One’s decisions depend on what one considers to be the

sought through oppression. Accordingly, Sheikh Mohammad Abdullah reciprocated the call and the Centre and State leadership continued to explore the ways to find a solution within the constitutional framework of India. Dialogues were initiated and conducted between their representatives. By 1974, the Sheikh and the Plebiscite Front had cooled down considerably and the President of the Front had accepted the following:

1. Reviewing Article 370 with sincerity from both sides is acceptable to us.

2. Our programme stands on the foundations of socialism, secularism and democracy.

3. We believe in democratic values—these were flouted by the other party by intimidating us before the elections in 1953, 1957, 1962 and 1972. By declaring the Plebiscite Front unlawful in 1972 we were not permitted to participate in elections and all the members were declared ineligible to fight elections.65

The Presidential Address of the Plebiscite Front was a departure from its earlier addresses. It emphasised the "good deeds" of the organization during its power before 1953, including the abolition of landlordism. At the same time it reiterated its commitment to socialism, secularism and democracy. It said that the youth of Kashmir and Kashmiris in general were subjected to all kinds of tortures in jails and interrogation centres. It condemned the operation of black laws in the form of:

1. Internal Control Movement order
2. Preventive Detention Act
3. Defence of India Rules

65. Ibid., p. 21.

4. Enemy Agents Ordinance
5. Public Security Act.66

While examining the situation in the State the presidential address found problems of all sorts. It dealt with problems of students of colleges, schools and universities—it said that political parties use the student community to further their ends. It condemned and sought solution to problems of unemployment, high price level, corruption, adulteration and favouritism. It declared that the party in power has failed to solve all such problems.

During his address, the President declared that they could not forget the Kashmiris numbering in Lakhs who are our brothers and Azad Kashmir being irrevocable part of the State could not be ignored. It condemned the artificial division of the State. He reasserted Mr. Nehru’s promise that Kashmiris are not dumb driven cattle. The address also condemned the communal riots in India.67

Finally, the President tried to present solutions to the Kashmir tangle. He, while giving personal opinions regarding the internal conditions of Pakistan and declaring them unfortunate, advised India and Pakistan to have amity. It advised them to open as early as possible, the National Highway for Kashmir which connected Kashmir with Muzaffarabad, through Baramullah.68

However, he declared that the progress of Kashmiri people and their cultural preservation depends on the progress of both India and Pakistan and their progress depending on their mutual amity without being guided by the vested interests.

66. Ibid., p. 21.
67. Ibid., p. 29.
68. Ibid., p. 30.
Thus by 1974, Mrs. Indira Gandhi and Sheikh Mohammad Abdullah, had realized that the attitude of confrontation had not paid them in any way and consequently, a reconciliation was sought. After having some round of talks both formal and informal, the two leaders decided to assign the task of reconciliation to two of their representatives. Mrs. Gandhi was represented by Mr. Parthasarthi and the Sheikh by Mirza Afzal Beg.

The fact was that the politics of plebiscite had given the Plebiscite Front no dividends. It had failed in the U.N.O., whatever be the reasons. It had failed at domestic level in creating either any upheaval or any revolutions. Pakistan had failed in its stand to create a rebellion in Kashmir or move either the U.N. or world opinion in favour of the Plebiscite Front, on account of her own contradictions in international and domestic affairs. India was successful in her attempt to isolate the Kashmir dispute at the international level and bring the Plebiscite Front to work within the Indian constitutional framework. Wrote Prem Nath Bazaz, "The Union Government was not prepared to revise its policy towards him until he reaffirmed in unequivocal terms that Kashmir's accession to India was final and irrevocable. Working towards this end, both Mirza Afzal Beg and Mr. Parthasarthi, arrived at certain conclusions which are known to us as "Accord." According to P.N. Bazaz, "The protracted negotiations were carried on secretly and Kashmiris were not taken into confidence until the deal was struck early in 1975. The outcome put down in the shape of an agreement between Sheikh Abdullah and Mrs. Indira Gandhi, Prime Minister is known as Kashmir Accord".

It was presented to the Indian Parliament along with all the relevant correspondence on February 24, 1975, with a statement by the Prime Minister. Some admissions and remarks


CHAPTER III

Resurrection of the National Conference

The Plebiscite Front as a political party could exist neither within the Indian nor within the State constitutional framework. The preamble of the Constitution of Jammu and Kashmir reads as:

"We, the people of the State of Jammu and Kashmir having solemnly resolved, in pursuance of the accession of this State to India which took place on the Twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof..." 1

Consequential to this constitutional framework and the so-called delimiting relations between the Centre and the State in accordance with the accord, the Plebiscite Front had to erode all the earlier stand on the settlement of Kashmir. Even the comparison between the "Agreed Conclusions" in 1974 and the statements issued by the Plebiscite Front in 1973 shall reveal the difference. The Plebiscite Front in 1973 in a special session had general exchange of views on the situation prevailing in the sub-continent and in the State. The statement later issued did not talk of the struggle for plebiscite from 1953 onwards—whereas they condemned the State and Central Governments for denying elections to the party in the following words:

"The Plebiscite Front organization was banned on January 12, 1971 and Sher-i-Kashmir and chief office bearers excluded from the State and thousands of our rank and file were clamped into prisons throughout the State. All these repressive measures were baseless and atrocious and were motivated by political reasons. The Front had announced its intention of participating in the general elections of 1972 as also in the mid term poll to the Parliament. The subject of the Government action was to exclude the Plebiscite Front from the elections. This became manifest by the action of Kashmir Government in March 1971, when the legislature passed most ignominous law of disqualifying the Front members from standing in elections. This was the unkindest cut of all, and calls for unreserved condemnation. No canons of justice, law or Constitution can justify such black acts, matchless in the name of democracy." 2

"After staging the farce of general elections of 1972 and having by dubious means removed the main opposition of Plebiscite Front from elections, the Congress party heaved a breath of relief and was conveniently back in the saddle. The externment orders were cancelled in May 1972 but the ban on elections continued. Meanwhile, in the process usual repression and oppression both on Plebiscite Front workers and the people in the State continued—the pattern was slantly different." 3

In order to seek power through elections they further reiterated in the same resolution that:

2. Statement issued by All Jammu & Kashmir Plebiscite Front in Special Session held on 1st and 2nd September, 1973, Publicity Department of the organization.
3. Ibid.
"We have repeatedly said, and we hereby reaffirm it, in unmistakable terms that free and unfettered will of the people can be the only lasting sanction for a solution of the Kashmir issue. Any relationship which does not emerge from solid participation of the people will be no more than a farce and a mirage, and to base hopes for future thereupon would be to live in a fools paradise."  

In the same breath, the resolution appreciated the role of the Sheikh in Indian politics which since 1933 he had nearly shunned. It felicitated him in the following:

"Plebiscite Front has noted that Sher-i-Kashmir's participation in the Indian politics is a further proof of his dedication to fight any injustice on the weaker sections of society. The minorities in India, more particularly the Muslims, are suffering from many privations, recurring communal disturbances have taken a heavy toll of their lives, they have legitimate grievances in regard to representations. So have other minorities like Harijans. Sheikh Saheb has advised them to unite and make a common cause with other victims of similar injustices. Plebiscite Front fully appreciates this approach as the only means to meet the challenge that faces them."

The Sheikh at the same time had dialogues which resulted into something secretly. Writing to Shri G. Parthasarathi, Sheikh Saheb explained in the following:

"Apropos to our talks yesterday and the day before, I hope that I have made it abundantly clear to you that I can assume office only on the basis of the position as it existed on 8th August, 1953. With regard to the provisions of the Constitution or the Union laws and Entries applied to the J & K State after 9th August, 1953 judge-

Resurrection of the National Conference

This could not, however, influence either G. Parthasarathi or the Central Government. Fact being that Government of India wanted to defuse the constitutional relationship between the State and the Centre further, to their advantage, it made it possible for Mirza Afzal Beg and Mr. G. Parthasarathi to reach certain conclusions. Without conceding to the position of the first paragraph in the letter referred to above. The agreed conclusions reached through the well known 'Accord' are reproduced blow:

1. The State of Jammu and Kashmir, which is a Constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directing towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits, but provisions

4. Ibid., p. 2.
5. Ibid., pp. 2-3.
of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modifications are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List, and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under article 254 of the Constitution of India. The grant of President’s assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the proviso to Clause 2 of that article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that article as applied to the State should be made by Presidential order to the effect no law made by the legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the aforementioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent, the matters are:

(a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and

(b) the following matters relating to elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the legislative Council, being matters specified in Sections 138, 139, 140 and 30 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of the Governor and the Chief Minister and the matter is therefore remitted to the principals.

With the conclusion of the Accord the politics of plebiscite also got eliminated and the politics of the National Conference resurrected. Sheikh Abdullah with Mirza Afzal Beg and two members, one from Jammu and one from Ladakh, were sworn in. The former two as Chief Minister and Deputy Chief Minister respectively and latter as Ministers of the Cabinet rank in early March, 1975. Immediated after the assumption of power the leaders decided to change the Constitution and the nomenclature of the Plebiscite Front. This ceremony was performed in Mujahid Manzil on 4th and 5th July 1975 in a special Delegate Session of the Front. The resolution read as:

"Today, 5th July 1975, the All Jammu and Kashmir Plebiscite Front in a special session, after due deliberations for about thirteen hours amongst the delegates from all parts of the State, giving due cognizance and serious thought to prevailing political situations, decided to change the name of the Plebiscite Front into the National Conference. For this purpose, appropriate amendments are visualised so that there is collaboration between the..."
name and the deed—further the Committees subordinate to it accordingly bring a change.

The Conference unanimously agreed to request Sher-i-Kashmir to accept the leadership of the National Conference—the acceptance of the offer encourages the integration of various regions and sections of the State. Consequently, it will help the country and the nation to move on the path of reconstruction and honour.

The delegates session agreed upon that under present circumstances it becomes imperative to widen the organization both in content and goals so that more people join it. However, the greater priority shall be given and it shall be followed vigorously, while widening process of the organization continues, that such elements who were responsible for 1953 events and assassinations of democracy—who have tortured freedom lovers after 1953, do not and shall not creep in. Those people who after 1953 committed atrocities, anti-social activities and those who have proved opportunist are denied the entry into the organization—the organization remains pure.

Relating to it, the delegates request Jenab-i-Sher-i-Kashmir to give special attention to the fact that those who after 1953, fought for the achievement of freedom, however, and provided great examples of sacrifice, are honoured and ornamented. They should receive their due. Actually, these Mujahids were protectors and upholders of our cherished principles and high ideals for which the organization and Sheikh Saheb were fighting for during tyrannical and dark days—they alone can safeguard them in future.8

The National Conference, thus resurrected both in its organizational pattern and in power, in the beginning two

8. All J & K Plebiscite Front Special Delegate Session, 4, 5 July, 1975, Mujahid Manzil, Publication and Information Division.

10. Ibid
decide it. In between, in order to avoid confrontation, a four member co-ordination committee was formed. "In case of difference of opinion among members of the Committee on any issue, it was decided that the matter will be referred to Mrs. Indira Gandhi and Sheikh Abdullah for their decision." However, the cleavages continued to widen and one of the main reasons being the allocation of seats in the Ministry. Consequently, the Sheikh in a speech at Charar-i-Sharief nearly 30 kilometers from Srinagar in November 1975 called and pleaded for fresh elections to the State Assembly. Thus the politics of the State during the years 1975 and 1976 was mainly devoted to the rift politics of the Congress and the National Conference. The Congress demanding representation in the Ministry and the National Conference demanding unconditional support in the legislature from the Congress under the Accord.

The Congress and the Sheikh and his National Conference thus entered a politics of Cehître—State relations. The Centre interested in retaining its organization in the State and at the same time not allowing the forces to antagonise the Sheikh who had come round after enough of political and pressure tactics. Assuredly, the Congress was not prepared to take risks on any side. The politics of status quo was carried for the years 1975 to 1977.

During this period, however, politics of administration had its meaning. The National Conference in power, the bureaucracy and its allies in the administration were made to play a distinctive role. It strengthened the National Conference hands both during the years of the status quo and later during the period of elections in 1977. The administration and bureaucracy were apprehensive of many things from the Sheikh’s Government. Their apprehensive were based on the national and international image of the Sheikh. Secondly, their greater apprehensive remained on their accountability towards the politicians, which at least had diminished during the period of Syed Mir Qasim’s régime. However, their apprehensions were belied in due course of time as the Sheikh was absolutely different at this stage of his life and career, from his earlier image.

Consequent upon the capture of power the Sheikh’s government desired certain innovations or reforms and changes. Its first attack was on the deteriorating conditions of the education standards and unfair means in examinations. The report of the National Conference presented,

"The first distinctive administrative step of the government was to restore order in educational institutions. At the time of Sheikh Şahib’s assumption of power, the educational institutions were subjected to naked copying in examination halls, disorder, violence and goondasim. The new Chief Minister declaring these institutions as sacred, ordered disciplinary action against the students and himself went on inspection to various institutions. The order was restored and disorder was relegated to the history. The conscience of the youth was stirred and discipline established."

The education portfolio remained with the Chief Minister and he initiated reforms in it. The government appointed certain commissions and in the light of their recommendations new changes were introduced. Consequently, enough funds were utilized over the construction of school buildings and libraries and repairs and reconstruction of older ones were initiated. Their were drastic changes in the system of...

11. Ibid.


13. Ibid., p. 5.
education and teachers generally felt recovered from the earlier shocks they received on account of student-indiscipline.

The National Conference and its leadership had, before assumption of power and after the 'Accord' committed themselves to certain changes in the administration and promised clean and fair administrative set up. The Sheikh himself had said, "A clean and fair administration shall be inducted in the State." 14 Consequent to the commitment, vigilance commission, agency and Anti-corruption Tribunal were reorganized and the Tribunals powers and jurisdiction were increased and enhanced.

The government, conscious of economic development of the State, appointed a "Economic Review Committee", under the chairmanship of Shri I. K. Jha, who is himself an economist of international repute. The terms of reference were: (a) Plans for economic development, (b) operation of plans, (c) To bring the State on the industrial map of India, (d) Opening of Detergent Factory at Jammu and reorganize and improve Cement Factory at Wuyan, Pampore, in Kashmir. 15

The other economic and social improvements were initiated by reorganizing the Health Services, a Master Plan for tourism by opening and conducting a tourist complex on the bank of the beautiful Dal Lake. The Airport at Srinagar was decided to be upgraded to an international airport—Srinagar had a new bridge as against the old Amrikadal. Financial aid to old and invalid, improvement in public health schemes, arrangements for nationalization of transport on certain routes. In Jammu, a new bridge on Tawi provincial police complex, Police Colony at Candhinagar, Maulana Azad Stadium were completed during these two years of his Chief Ministership with Congress support in the Assembly. Further, Ladakh was

15. Ibid., p. 4.

Resurrection of the National Conference

opened to tourists and many constructional works were initiated for public welfare. Gujar community was also assisted in its economic and social welfare. Subsidy on rice was abolished. 16

During the years February 1975 to March 1977 Sheikh Mohammad Abdullah and Mirza Azal Beg were in a position to win over bureaucracy on its own side but failed to bridge up the cleavage that occurred between the Congress and the men in power. When the cleavage reached its climax, the Sheikh as Chief Minister advised the Governor for the dissolution of the Legislative Assembly and so the later under Article 53 of Jammu and Kashmir Constitution dissolved it and Governor's rule was clamped.

With regard to favourable bureaucracy, the State Janata Party’s requests for the removal of partisan officials and instalation of complete impartiality of administration etc. before elections is an indication of this effect. 17

In between the Accord and the elections to the State Legislative Assembly, an important and unique event had passed in the constitutional history of India. Emergency on June 26, 1975 had been clamped on India during Indira Gandhi’s regime. The Janata party, “came into existence”, writes Bazaz, “as a result of unification of several national and regional political parties to overthrow the dictatorship of Mrs. Gandhi who had made herself infamous by resorting to hiensous deeds during an atrocious rule by imposition of draconian laws under emergency provisions of the Indian Constitution.” 18 Consequently, when (Mrs. Indira Gandhi) felt that the crisis are moun-

The press, however, predicted far ahead that the National Conference has an edge over other political parties in the elections. The banner of a daily ran, 

"On the election front of the valley,

the conditions to a great extent favour the National Conference.”

However, the reasons of the National Conference victory as understood immediately after the elections were many. Firstly, the Sheikh’s historical image could not be over-run by anybody over-night. In addition the fact that he was interned nearly fourteen years, could be on the side of his political credit. Thirdly, the Janata leadership had no diplomatic moves. The Prime Minister of India, Mr. Morarji Desai in a statement spoke,

“The State-government should deal unspARINGLY with goondaism. Those officials who lack sense of responsibility should be removed from key posts and partisan officials should be suspended and punished.”

The two other Janta leaders who visited Kashmir, proved to be more diplomatic than their Prime Minister. The Home Minister Charan Singh spoke before public in Srinagar,

“Goondaism would not be tolerated—whatever has happened in the past this time the elections are bound to be free and fair.”

The Defence Minister Jagjivan Ram, in a public speech, said,

“The government will not hesitate to take strongest action if there is any attempt to resort to violence and intimidation.”

The Defence Minister further advised the Sheikh,

26. P. N. Bazaz, Democracy Through Intimidation and Terror, Heritage, Delhi, 1978, Photo captions, p. 96,
27. Ibid.
28. Ibid.
"The National Conference, in its economic and political programmes, desires to make Naya Kashmir operative. Its essences in democracy at political and socialism at the economic level." 31

The manifesto analyzing the role of the Sheikh, in the post-1947 era, explains that the aim of the National Conference is to provide an honourable place in the Indian democracy. It declared that it was the National Conference only which had been responsible to have J & K State its own Constituent Assembly, to draft its own Constitution. It also claimed that the State's special status was secured by the National Conference. Further elaborating the constitutional relationship between the Centre and the State it said that Article 370 had been limited to three relations only—Defence, Foreign Affairs, and Communications. It also claimed that Delhi Agreement of 1952 also limited the choice of the Centre. Commenting on 1953 events, the manifesto said,

"When Sheikh Mohammad Abdullah consistently adhered to the safeguard of Article 370 and Delhi Agreement, they conspired against the National Conference and played the bloody drama of 1953." 32

Tracing the struggle and commitment from 1931 to 1947 and onwards desiring to start the threads of politics and relations from the point where Mr. Nehru had left, the manifesto explains how the Accord was concluded. Hopeful of future the National Conference believed a pleasant change to occur in the political atmosphere of the State. The manifesto translates the letter of Sheikh Sahib addressed to Shri Parthasarathi which runs as follows:

"Apropos to our talks yesterday and the day before, I hope that I have made it abundantly clear to you that I

31. Ibid., p. 3.
32. Ibid., p. 6.
his house. Telegrams and messages of sympathy including those from Prime Minister Desai, Home Minister Charan Singh, Janata Party President Chandra Shekhar, Mrs. Indira Gandhi poured into the Sheikh's house. Dignitaries from all classes and communities paid calls at his residence. The city and the Valley talked of nothing else but the illness of the Sher-i-Kashmir, Sheikh's opponents treated it as "feigned illness", and even some wrote, "what else did the 'heart patient' need to boast the fallen shares of his political stock." The fact remains that the National Conference had the best dividends to cash on his illness in the elections.

The Sheikh's historical image, his charisma debility of the opposition, enravishment of the Central leadership, inactivity of the workers of the opposition, and the illness contributed to the rise of the National Conference as a party in power. Consequently, the Legislature Party of the National Conference met on July 8, 1977 and decided with a unanimous vote upon Sheikh being the majority leader. Out of total membership of the Legislative Assembly, the National Conference had 11, Congress 11, Janata 13, Jamat-I-Islami 1, and others independent. The reconstituted National Conference again came to determine the course of political life of the State and the national scene. The point of view was not a hard bargain. The whole political philosophy of the people to govern the Conference had only 47 members, they decided to support the party. It received 49 members as UP; it diminished the amount of majority and the objection was raised in less representation.

36. P. N. Bazaz, "Heritage of J & K"
37. P. N. Bazaz, "Heritage of J & K"

Soon after swearing in ceremony, the Sheikh's Government started functioning and the administration was disciplined. The overall disturbance in law and order which was usually abnormal during election period started coming back to normalcy. Consequently, the Sheikh asked his administration to solve with determination and impartiality the problems of the people.40 Soon after Janata leaders at the Centre declared their support to the State administration and avoidance of any confrontation. This sentiment was conveyed to the State Ministers through L. K. Jha, Governor of the State, who visited Delhi to provide first hand information to the Central Government on Kashmir.41

Consequential upon such sentiments of the Centre, the State leadership reciprocated. It said that in case the Centre cooperates with us, Kashmir will perform the most constructive historical role in building new India. The leadership and opinion that they were prepared to cooperate.42 A thing between the National Conference and the leaders started in right earnest.

The moment the National Conference stabilized itself in the seat, some kind of confrontation started with the state. The Conference had cached in the elections on inter-

38. Daily, July 20, 1977
39. Daily, July 8, 1977
40. Daily, Srinagar, July 12, 1977
41. Daily, Srinagar, July 19, 1977
42. Daily, Srinagar, July 20, 1977
as soon as they came to power they had no alternative but to talk about it. Before the Legislative Assembly met on September 8, 1977, the Congress, which had earlier decided to support the Sheikh and the Janata Party Central leadership had earlier also declared to co-operate with the National Conference, declared that any move towards the restoration of 8th August, 1953, position will not be supported by them. At the same time, Beg Sahib, Deputy Chief Minister, having declared in Delhi that no unilateral step in the constitutional relationship shall be taken up, declared in the same breath that all laws, within the subjects of Concurrent List shall be reviewed.

Generally, the Sheikh was dominating the scene and the National Conference effectively controlling the political atmosphere in and outside the State in relation to Jammu and Kashmir. During October, when the President of India visited the Valley he was given a rousing welcome. In the historical Shalimar Bagh, he was accorded civic reception, where, he in reply to Sheikh Saheb's welcome address remarked,

"Sheik Saheb is not only Sher-i-Kashmir, he is Sher-i-Bharat as well."

Undeniably, Sheikh Saheb's attractive political personality, has provided the National Conference the greatest dividends. Whether it was the Muslim Conference from 1931 to 1939 or the National Conference from 1939 to 1953 and later Plebiscite Front and finally the resurrected National Conference, the Sheikh dominated the political scene every time. It was in this context that his opponents wrote,

"In order to understand the essence of Kashmir politics during the last 45 years, it is well to remember that whatever his profession of faith and acceptance of principles, Abdullah has invariably utilized the two weapons

whenever occasion arose during the course of his political career to vanquish his political rivals or those who stood in the way of fulfilment of his ambitions."

During 1978, the price rise became a concern with the common man. The Government was labelled to have failed on the economic front. Both opposition and the public showed greater concern—and the opposition tried to exploit the situation. The Awami Action Committee was critical of the party in power as according to them they had failed in solving the problems of the people. It said, "Price rise, unemployment, corruption at the administrative level and favouritism has come to its cancer stage." To counter attack it the National Conference government had to take some repressive measures. The police was permitted to have raids on various big business houses and godowns. It resulted into a temporary relief and stabilization in prices. Later, there was again price hike in paddy and other estables.

Soon after the assumption of power by the National Conference, its leadership felt that some kind of factionalism in the organization was creating a future threat of its disintegration. The Sheikh visualized it. He invited the members of the legislative party of his organization and the executive, to a conference under emergency conditions on September 26, 1978. Later, he had a public speech on September 27, 1978, in which he explained in detail the policies of the National Conference and the conspiracies which were being hatched against his leadership. On September 26, 1978, Beg, who returned from Delhi, was asked to tender his resignation, which was placed

48. Ibid.
before the Chief Minister and the same day accepted. Thus Beg, after an association of forty six years, with the Sheikh and his organization was out. Till then it was believed that Beg is the brain behind the Sheikh. While explaining the custer of Mirza Afzal Beg before the public, the Sheikh said,

"Beg Saheb has been working with me for the last forty five years. I had to secure resignation from him because he had become power thirsty. He desired Chief Ministrieship. His task for the last some months has been to encourage factionalism in the National Conference. I accept that he has been all along faithful to me but I gave him everything except Chief Ministrieship. I consider him responsible for the indiscipline in the election to the Legislative Council. He had personal alliance with Congress, to see that his own candidate is elected. In getting Yaqub Beg elected, though he has public stigma, he (Beg Saheb) used Malik Mohiuddin, the Speaker of the Legislative Assembly to arrange his victory. Malik Saheb is presently out of the country and when he returns he shall have to be accountable."  

Thus the National Conference was weeded out of the dissident group and the Sheikh secured overall control of the organization. Further, a novel procedure was adopted by the Sheikh by introducing the oath of allegiance to the party leadership—consequently those of the members who had been supporting the Beg faction, did not take the oath. Though Sheikh Abdullah justified such an oath from party members under the Constitution of the organization, yet virtually, it is a novel procedure that he has introduced. Later Beg Saheb introduced a new party but had to abandon it, in due course of time on account of the mediation of Dr. Farooq Abdullah and secondly on account of public apathy.

In addition to the ouster of Mr. Beg, the Sheikh being apprehensive of political developments in the State, a Bill was introduced which later became known as Anti-defection Act. This Act was passed in September 1979 and envisaged to curb the defections from one political party to another in the legislature. One M.L.A. who defected to Congress became a matter of controversy between the Speaker of the Legislative Assembly and the National Conference. "This, Mohi-ud-din, the 44-year old Speaker form Srinagar was unprepared to do, arguing that Bashir had obtained a stay order in court. Irked by the Speaker's unrelenting stand, and further prejudiced by, his long standing association with the Sheikh's desperately ailing rival Mirza Afzal Beg's removal, followed by Anti-defection Bill culminated into the fall of the Speaker, Mohiuddin Malik. On these developments Sheikh Saheb had observed thus:

"If he (Sheikh) was convinced that Mr. Beg was involved in the defection of some National Conference legislators during the recent elections to the State Legislative Council, it is not possible for us to work together either in government or in the National Conference."

"The government was of the National Conference party and if we seek an oath of allegiance from its members, there is nothing wrong in it."

With regard to the involvement of the Speaker Sheikh Abdullah stated,

"The former Deputy Chief Minister, Mirza Afzal Beg, had used the Speaker of the State Assembly, Mr. Mohiuddin Malik as a tool to bring about defections in the party during the recent elections to the State Legislature."

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54. The Indian Express, September 26, 1978.
Council. On Mr. Mohiuddin's return from his tour abroad action will be taken against him."\(^{55}\)

The Sheikh and its queen the National Conference, since Indira Gandhi's assumption of power, had not changed its stance towards Pardesh Congress (I). Though the Sheikh continued its policy, of confrontation with Pradeh Congress Committee, yet he was playing a cat-and-mouse game with Mrs. Indira Gandhi. Wrote Sunil Sethi at the end of the expulsion of the Speaker and propogation of the State Assembly.

"Relations between Mrs. Indira Gandhi and Chief Minister Sheikh Abdullah, which have neither improved nor deteriorated since she returned to power in January, but carry on ambiguously with their periodic ups and downs. What is almost certainly eliminated is the possibility of a Congress (I) National Conference coalition once actively speculated upon. Congress (I) being the major opposition in the Assembly, with eight members against 47 of the National Conference, the no confidence motion against the Speaker arose specifically from the defection of a National Conference M.L.A. Mian Bashir to Congress (I) in June."\(^{56}\)

Thus, the National Conference with the help of the towering personality of the Sheikh was in a position to maintain a distance between the Centre and the State through the on and off relationship. Ostensibly the relationship which should have been constitutional is personal—petty doubts and petty sweetness. Sheikh Saheb in Kashmir talks in a language that he requires for domestic use—This language may cause injury to Delhi or please her depends on the position whether he is safe in power or not. Beg Saheb as was asserted, involved himself in defection, Malik, the Speaker being his tool Legislative Assembly building caught fire, uneasy political atmosphere prevailing in the Valley and opposition in the Assembly became vociferous—ill political winds were replaced by colder autumn breezes.\(^{57}\) The National Conference controlled and was capable to come out of these trouble winds. Its consequence being either a slash on Hindu communalism in India by the Sheikh or raising issues of internal autonomy, amity between India and Pakistan, Pakistanis occupied Kashmir and the position of State before 9th August 1953.

By the end of 1979, before the elections to the Lok Sabha, Abdullah wave, according to R. K. Kak was missing. "But when all is said and done", wrote Kak, "the personality of Sheikh Abdullah, the star campaigner of the ruling party in ultimately going to sway the electorate in the Valley's two constituencies in favour of National Conference candidates. The failure of the opposition to put up common candidates, has also strengthened the hands of the National Conference. In the Valley, the main opposition to the ruling party seems to come from urban areas. But the rural voters, who constitute about 75 percent of the total electorate, are, by and large, favourably disposed towards the Sheikh."\(^{58}\) The consequence of the elections to the Lok Sabha proved beyond doubt that the Sheikh wielded still the influence on the electorate in Jammu and Kashmir. Further by the beginning of 1980, it was known to most of the political analysis that National parties were constantly at a loss in Jammu and Kashmir. "With the national parties having lost much of their influence in Jammu and Kashmir, the forthcoming Lok Sabha poll will provide an opportunity to the ruling National Conference to dispel the general impression that it represents only the Muslim

\(^{55}\) Ibid., September 28, 1978.

\(^{56}\) India Today, the Magazine, Delhi, p. 31.

\(^{57}\) Ibid.

\(^{58}\) The Times of India, December 27, 1979.
dominated Valley to the exclusion of the other two regions Jammu and Ladakh.

The Chief Minister, Sheikh Abdullah, obviously had this in mind when he declared soon after the election notification that his party would contest all six Lok Sabha seats in the State. His retreat from this stand and his subsequent decision to enter into an alliance with the Congress (I)—no doubt on his own terms—were also motivated by the name desire. 59

Right from the assumption of the power by the National Conference in 1977, its leadership continued to have confrontation with the Centre. Hardly any cordial months in the beginning of the regime, the National Conference and the Pradesh Congress Committee did not go together peacefully. It is believed that it was in consonance with the psychology of the Sheikh, not to agree to reconcile with the Pradesh Congress leadership whom he treated children in the arena of politics. Consequently, still in the Centre-State relations, the hide and seek continues. After Accord the Sheikh and Indira Gandhi at Centre resolved differences bilaterally but her fall resulted in amicable relations between the Sheikh and the Janata leadership. Accordingly, the fall of Janata and the rise of the Congress, resulted in the cat and mouse relationship between Indira and the Sheikh. In the month of January 1980, the Shaitk meg Mrs. Indira Gandhi to discuss some “vital points” with regard to future relationship of the ruling National Conference with Congress (I) in the State. 60

Though National Conference had poll understanding with the Congress (I), the Chief Minister’s reported statement about two months earlier that it should merge with the National Conference had created a gulf between the two. Another factor responsible for strained relations was the Sheikh’s uncompro-


Resurrection of the National Conference

mising posture in distribution of six seats for the Lok Sabha elections from the State, while the Congress wanted 50 per cent of seats, Chief Minister had conceded only one seat. The utterances of the Sheikh from time to time hit the Congress and Pradesh Congress leadership. Once he cautioned the people of the State against the “machinations” of certain political opportunists and adventurists who were out to subvert the peaceful atmosphere in the State. Such power-hungry elements wanted to barter away the interests of the people for petty gains, he added. 62

The Union Home Minister said on July 5, 1980 that the ruling National Conference and the Bhartiya Janata Party had a “secret alliance”. He cautioned the Sheikh that it was bound to impair his secular image. 63 The Sheikh in a rejoinder to the Home Minister asked him to prove the allegation with concrete evidence against the National Conference that it was having a secret understanding with communal forces like the Bhartiya Janata Party. 64 And in case he failed to do so, he asked him to quit.

The Sheikh, in their overtures, talked to the Home Minister, whereas he tried to be diplomatic with Mrs. Indira Gandhi, knowing well that power rested with her. Commenting on Afghanistan crisis he said, “the situation is tense and the clouds of war loomed large over the sub-continent”. Endorsing the stand taken by the Prime Minister, he said her efforts needed to be supported in the interests of peace. 65 However, Mrs. Indira Gandhi, more than one occasion and Sheikh Abdullah on dozens of occasions assailed each other on various stands taken by each. The war of words continue even until now. Several political leaders of Janata and the Congress expressed

61. *Ibid*.
surprise at the reported speech of Sheikh Mohammed Abdullah on the Martyrs' Day in Srinagar that "neither India nor Pakistan can enslave Kashmiris." Janata also decried Sheikh's remarks.

In July, 1980, Sheikh Mohammad Abdullah left for Delhi and wrote the Indian Express that he had "a crucial twin-mission—to seek enhancement of State's current year's plan allocations and to try to overcome the growing strains or relations between his government and the Centre." In the capital he met the Prime Minister and Finance Minister and also tried to patch up the growing rift between his National Conference and the Pradeh Congress (I) leaders. His party's relations with the State Congress (I) had sharpened during past few months. Provoked by the Congress (I) leaders' criticism of his government, the Sheikh first hit back and charged the Congress (I) leaders with "plotting to topple his government". The differences had assumed serious proportions with his controversial July 13, Martyrs' Day speech in Srinagar. The two leaders met for 90 minutes and later, the Chief Minister had discussions with the Planning Commission on the State's plan for the year 1980-81. According to the press release issued by the State government, the Commission had agreed to raise the approved plan outlay by Rupees 10 Crores to Rupees 147.48 Crores. The State Government had sought an additional allocation of Rs. 30 Crores. However, strains on the relations continued and the Sheikh every time had a chance to determine the politics of Centre-State relations.

It was sometimes asserted by the Pradeh Congress leadership, in addition that the National Conference has secret

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66. The Indian Express, July 16, 1980.
68. Ibid.
70. Ibid., August 8 and 9, 1980.
of persons who disturb the peace by inciting sectarian passions or hurting the religious feelings of any community.\textsuperscript{72}

On the other hand the Congress assailed this Ordinance on the ground of curbing the freedom of press in State. Mr. Bhim Singh had said that there was no need for such an ordinance in the State as then incidents were not communal but anti-national in character for which the State had only last year enacted the Public Safety Act.\textsuperscript{73} The Jammu and Kashmir Democratic Conference and Bhartiya Janata Party said that the new Jammu and Kashmir Ordinance promulgated may be used as a 'play' to suppress democratic opposition in the State.\textsuperscript{74}

The Sheikh and its National Conference, after the assumption of power, had not only to face the opposition in the legislature but outside it. It (National Conference) had not to face the Central leadership only but Parliament and the Indian press as well. Consequently, whether it was Anti-Defection Bill or the Kashmir Safety Act, or the J \& K Ordinance of August 1980, the opposition row went to the Assembly or the platform whatever suited the parties. The heated controversy that had arisen over the recently promulgated Ordinance amending the State Penal Code and the criminal Procedure Code, was later diverted to the J \& K Legislative Assembly during the autumn session.\textsuperscript{75}

Sheikh Mohammad Abdullah, having a stature of international repute, many a time refuses to succumb even to international or domestic pressure. On 1st September 1980, the Sheikh declared that the Jamat-i-Islami, which had incited trouble in the State, was receiving money from some oil-rich

73. \textit{Ibid.}, August 26, 1980.

\textbf{Resurrection of the National Conference}

West Asian countries.\textsuperscript{76} He had usually taken the stand that the areas of Kashmir, under the occupation of Pakistan belonged to the Kashmir which had acceded to India. At the same time he believed and therefore gave statements to that effect that India and Pakistan should settle their disputes amicably at the bilateral level. In certain international problems like Afghanistan, West Asia and others he supported Indian policy by and large.

At the end of September, 1980, there was a change in Congress (I) attitude toward National Conference. The Prime Minister Indira Gandhi's assurance to non-Congress (I) ruled states that the Centre had no intention to topple them and the Jammu and Kashmir Chief Minister, Sheikh Abdullah's assertion at a news conference in Delhi that there had no communication gap between her (Mrs. Gandhi) and him had created amicable atmosphere. She intended, as the Sheikh asserted, to bring a change in the political atmosphere of the State.\textsuperscript{77}

However, this change also was temporary—the events that followed in 1981 and beginning of 1982 subscribe to the view that the game of political hide and seek continued unabated. Just after the censure motion against the Speaker, the Sheikh said,

"Mrs. Indira Gandhi is not a dictator and will not act unconstitutionally. The Sheikh accused the Pradeh Congress(I) of having created a law and order situation in the State recently. Now they (Congress I) had attempted to create a constitutional crisis. They could not just go to Delhi to get a warrant to throw me out of power. I am sure Mrs. Indira Gandhi shall not act in an unconstitutional manner."\textsuperscript{78}

A serious event, marks the charisma of the Sheikh, when a minor road accident near Badshah Chowk Srinagar snowballed

76. \textit{The Indian Express}, September 2, 1980.
into a major riot between 26th and 27th night of July, 1980. The minor accident involved an army truck. It should have passed off as a trivial incident but became a major riot when a group of civilians at Amirakadal by belaboured the truck driver and presented him before a police. The Jawans, instead of reporting the matter to the higher authorities for getting their driver released, succumbed to the provocations and retaliated by setting several taxis and shops on fire, resulting into a more desperation and consequently violence. The Sheikh’s courage to speak to the people at Lal Chowk and subsiding and controlling the passions of the people was commendable as well as charismatic.

During 1981-82, the politics of Jammu and Kashmir centred round the Center-State relations. The National Conference on the one hand tried to brow beat the Central Government and the Congress (I) leadership and on the other provoked the Pradesh Congress (I). Some times the Central leadership tried to appease the National Conference leadership and provoked at times. When in April 1981, the Central Income Tax agency raided the big business class in Srinagar, the National Conference reacted to it sharply. The Sheikh retorted the Central leadership with the remarks,

"The Kashmir individual character shall not be permitted to be altered. Recent income tax raid on businessmen in Kashmir was motivated by political expediencies." 80

Mrs. Indira Gandhi visited Jammu during ending April, 1981. In her public pronouncements she accused the sniffs of National Conference for confronting the Centre to highlight his personal rule. The Aftab daily commenting on it thought the political atmosphere to be ablaze. 81

79. The Indian Express, July 29, 1980.
80. The Aftab, Daily, Srinagar, May 1, 1981.
81. Ibid., May 3, 1981.

in his reply to Mrs. Indira Gandhi advised her to settle the issues between the Congress (I) and the National Conference by ordering mid term pole in the State. 82 Further, the Sheikh declared that the interest of the people of the State is the goal of the National Conference and the confrontation or collision and uncertainty will hinder the progress of the State. 83

The tendency of growing verbal confrontation between the Centre and State leadership was increasing. The Sheikh in Iqbal Park Srinagar, did not defend and justify his stand only, he attacked the Congress (I) behaviour in such a manner and style as if he had recovered the earlier position before assumption of power. He severely criticised the Centre and blamed them for Income Tax raids on businessmen, diminution of financial assistance and the attempts to conspire the fall of his government by illegal means. The Sheikh warned Centre that she will not be successful in her designs. 84 The National Conference leadership had an apprehension that the Congress (I) may make some National Conference legislators to defect to the Congress. The daily Aftab’s Jammu representative did acknowledge such an attempt. 85

The Congress (I) attacked the National Conference and its leadership of committing to communal parties and conservative forces. When the Sheikh met Vajpae, Janata leader, the Congress leaders reacted very sharply. It said that the Sheikh is succumbing to communalism. They also treated the meeting a conspiracy against the Congress (I). 86 Retorting such allegations the Chief Minister remarks,

"The National Conference struggled to make Kashmiri master of his own fate and he is." 87

82. Ibid.
83. Ibid., May 19, 1981.
84. Ibid., May 24, 1981.
86. The Aftab, Daily, Srinagar, June 3, 1981.
Consequently, the Sheikh asserted that the party is to protect and safeguard the rights of the people—the opponents cannot damage us.87

The National Conference in countering the attacks of the Congress decided to bring round Jamat-i-Islami Kashmir and its youth wing, Jamat-i-Tulba, the Awami Action Committee led by Maulana Farooq and it was successful in a compromise deal. The leadership of the National Conference also tried to woo the Janata. It was successful in neutralizing them. The Janata Party leadership, consequently gave moral support to the National Conference. It said that the Congress wants to share power unduly dures.88 The Sheikh, after neutralizing the various political parties, except Peoples Conference, asked the people to have confidence and determination to protect their rights and interests. He said,

"We shall not permit anybody to auction our freedom."89 He also reiterated that none shall be permitted to play with the fate of the Kashmiris. There were some according to him who befooled the Kashmiri and he hoped that people will not follow them. The Sheikh, while the rumours were afloat that the elections were to be held soon, declared that the fixations of time for elections is the exclusive right of the National Conference.90 While this verbose confrontation was going on, there was a move by Syed Mir Qasim and the Governor B.K. Nehru to work out a compromise formula to bring the Centre and the Sheikh closer to each other. However, the two mediators failed in bringing the parties together.91

During July, in pursuit of compromise on the initiative of the Governor of the State and Mir Qasim, Indira Gandhi visited Srinagar. The Sheikh and Mrs. Indira Gandhi, on the platform flattered each other and expressed that there were no strains, in their relations. Mrs. Indira Gandhi remarked that she had no discussions with the Sheikh about his participation in the Congress. She said that there were many non-Congress governments in India, and it was no problem in any way in the federal structure of India. However, when Sheikh Saheb remarked that his statements and pronouncements were misrepresented and misunderstood Mrs. Gandhi retorted:

"However, I do not know who amongst you misrepresents Sheikh Saheb."92

August 1981 marked a significant event in the resurrected National Conference. In this month, Dr. Farooq Abdullah as the President of the party was elected through a convention of the party. An unparalleled procession from Mujahid Manzil, the headquarter of the party, to historical Lal Chowk in Amirkadal marked the occasion with colourful gaiety,93 on the occasion the Sheikh before the public said,

"After fifty years, I get a chance on this historic moment to transfer to the younger generation, the trust handed over to me by martyrs—I lightened this torch, and many a storm could not extinguish it—until today when I transfer. Forvently, I hope that Dr. Farooq shall prove worthy of the trust. I transfer my presidency to him."94

Dr. Farooq in reply to his father and in response to the public sentiment remarked:

"The trust that is reposed in me, is commendable. Hope to prove myself worthy of the trust that is being reposed

87. Ibid., June 6, 1981.
88. Ibid., June 12, 1981.
89. Ibid., June 17, 1981.
90. Ibid., June 23, 1981.
91. Ibid., June 21, 1981.
93. Ibid., August 22, 1981.
94. Ibid.
to me. I dedicate, this day, myself to the service of my people and the organization. I declare that I would bring the piqued people round and explore those who are opportunist.95

During the convention, in addition to transfer of Presidency from father to his son many resolutions were passed by the National Conference and its General Assembly. It adopted a resolution demanding the establishment of a national economic commission to carry out an integrated examination of the various aspects of planned economy and the price structure. Among other resolutions adopted were, relating to economic affairs, international affairs and one devoted to implementation of the Naya Kashmir programme and autonomy.96

The economic resolution highlighted the State’s achievements in various fields. It was pointed out that the State would achieve self-sufficiency in foodgrains in another two years; there had been a 14 per cent increase in the installed power capacity and more villages had been provided potable water during the last six years.97

The resolution, however, pointed out that the country was facing grave problems, including those of inflation and falling industrial production. In view of this there was need for checking the price spiral, full utilisation of existing capacities, evolving a comprehensive wages and income policy and providing employment avenues for educated and rural youth.98

In the resolution on international affairs, an appeal was made to strengthen world peace. Special mention was made of the various trouble spots in the world. It called upon democratic opinion in this and neighbouring countries to rule out war.99

The ‘Naya Kashmir’ and autonomy resolution stated that the National Conference had pledged itself to further strengthen the ranks of the people to keep the struggle on against enemies of secularism, democracy and socialism.100

True to his commitment Dr. Farooq Abdullah brought Mirza Afzal Beg back to the National Conference. Beg Sahab dissolved his party, Inqilab-i-National Conference and decided to rejoin National Conference at a specially called news conference at his residence by the end of September, 1981. He expressed his faith in the leadership of Sheikh Mohammad Abdullah and Dr. Farooq and said,

“At this critical juncture the people of Kashmir should stand solidly behind the Chief Minister and his party.”101

On the diplomatic move of Dr. Farooq Abdullah, President of the National Conference, about the likely merger of his party with the Congress (I), the political circles in Srinagar were very much intrigued. The Times of India wrote,

“These circles point out that if Dr. Farooq has been quoted correctly, then the merger move would have far-reaching implications, in the political life of the State.”102

However, this neither could happen nor was ever meant to happen.

The stresses and strains on the relations between the Congress (I) and the National Conference leadership, however,

95. The Srinagar Times, August 22, 1981.
96. The Aftab; Daily, August 22, 1981.
97. The Times of India, August 23, 1981.
98. Ibid.
99. Ibid.
100. Ibid.
101. Ibid., September 28, 1981.
102. Ibid., October 8, 1981.
continued unabated. Each side tried to show the other down. The law and order situation was not in any way satisfactory. The outbursts in Poonch, Bhadarwah, Jammu, Ladakh, Srinagar, Anantnag, Sopore and other places continued. Sometimes it was the demand of District headquarter at Shopian and Kishwar and at times demand of equal share by Jammu and Ladakh people... no peace and tranquility which as Catlin puts is necessary for economic progress. The outbursts by the Peoples League, Peoples Conference, Jamat-i-Islami and the Jamat-i-Tulba was believed to be the result of the Congress(I) provocation by the National Conference leadership. The Congress(I) leadership deemed it to be the failure of the government in solving the socio-economic problems of the people of the State. The Sheikh and his government tried to overcome the difficulties. At the same time the strains with the Centre continued. In particular some types of confrontations marked the ending 1981 and the beginning 1982, as the deep rooted strains, which might determine the course of present and future politics of the State.

The first controversy, or confrontation ensued on the recommendations of the State Government for the appointment of Justice Bahauddin as permanent Chief Justice for the J & K High Court. The Govt. of Jammu and Kashmir considered its recommendations as binding on the Centre, even if the Chief Justice of India had not approved it. In asserting its stand on the issue, the government would be guided by principles and the personalities involved in the controversy, the State Law Minister Mr. M. K. Tiku said. He also said that he would soon write to the Union Law Minister, Mr. P. Shiv Shankar explaining the State government's stand on the issue in the light of the observations made by Mr. Justice Chandrachud in his letter of December 7, 1980 to the Union Law Minister. While the State Law Minister asserted that the recommendations were binding, he believed that the Chief Justice tended to bring the integrity of the judge under cloud, and referred to the provisions of State Constitution which laid down that State government could recommend the appointment of the Chief Justice of the State after consultation with the Chief Justice of India and the State Governor. The controversy is still unresolved.

The Centre-State controversy over the years disrupted economic progress. Many a time it was rumoured that Centre intends to reduce the financial aid to the State. Consequently, Government of India issued a White Paper showing that the State of Jammu and Kashmir having received the highest financial aid as compared to other States. Work on the Rs. 230 Crores Dhal Rasti Project in Jammu and Kashmir was brought to an abrupt end on the Centre's orders on 10th November, 1981, following a Centre-State dispute on sharing of power to be generated from it. Later the controversy was resolved after discussions with the Energy Ministry, Government of India. Many other similar occasions arose when the financial relations between the Centre and the State were questioned.

Earlier at many occasions, Sheikh Saheb had asserted that the interests of the people and their rights were to be defended at any cost. Earlier elections, he remarked, were just pleasantries for some people. At other occasions he confessed earlier elections to prove that his party was popular organization. Consequently, no Centre-State amity could develop. By December 1981, the Sheikh while musing and denying earlier elections predicted his victory in any forthcoming elections. He remarked that Jamat-i-Islami and the Awami Action Committee, in the event of future elections, will not contest. With regard to Peoples Conference he conceded one seat. Later

103. Ibid., November 7, 1981.
104. Ibid.
105. Ibid.
106. Ibid., November 12, 1981.
Sheikh Saheb, along with his team of experts visited Delhi and discussed financial matters with the Planning Commission and the Central leadership. At the end of the discussions Mrs. Indira Gandhi assured the Chief Minister publicly that financial assistance from the Centre shall be forthcoming and liberal.\textsuperscript{107}

However, none of the advances either by the Centre or by the State leadership brought any substantial change in their respective attitudes towards political, legal or financial relations. Consequently, the controversies deepen and continue to harass both the parties... though the public opinion in the State is unaffected, yet the national press sided the Centre and the State press usually the local politics. A great many things are happening in the State. There is a deliberate hounding out of I.A.S. and I.P.S. officers of the Kashmir cadre who do not actually hail from the State. Attempts are also being made to exclude from the State Central laws that have proved beneficial to its people.\textsuperscript{108} But the issue that has fouled the atmosphere the most, in recent months, is the Bill passed by the State Assembly to allow the return to Jammu and Kashmir of the State subjects who migrated to Pakistan 35 years age.\textsuperscript{109}

The Sheikh has played politics by choosing to aggravate the already controversial relations by throwing tantrums against the Governor's understandable reluctance to give his assent to a Bill which cannot but be a source of great mischief. He said in a speech at Hazratbal shrine that the critics of the Bill are the "Hindu communists of north India, who want to upset the present communal configuration of Kashmir's population, presumably with a view to reducing the Muslim majority into a minority."\textsuperscript{110}

\textsuperscript{107} The Aftab, Daily, December 5, 8, 11 & 18, 1981.
\textsuperscript{108} Inder Malhotra in the Times of India, June 3, 1982.
\textsuperscript{109} Ibid., June 3, 1982.
\textsuperscript{110} Ibid.

Resurrection of the National Conference

The Sheikh and the National Conference have been advocating the cause of the Bill and vehemently it is defended. The Sheikh before Kuldip Nayer defended the Bill in the following manner:

"Let me explain the contents of the Bill before you. It deals with those of the State subjects, who in March 1947, in harassment left the State for Pakistan or who owing to misunderstanding could not return to the State. Now, under certain conditions they are entitled to return... one of the conditions necessary to its completion is the grant of a visa from Government of India. Under Delhi Agreement of 1952 we are obliged to fulfil it. These evacuees do not belong to the Pakistan occupied Kashmir but simply reside in Pakistan. Non-Muslims need have no apprehensions, as they are not going to be uprooted. The land and the houses which have presently given to these non-Muslims are already their property. In my opinion few people would return to Kashmir from Pakistan. In the post-partition period only 117 people have returned to Kashmir...... However, in accordance with law, they continue to be the citizens of Kashmir. After fulfilling some conditions they can return to their homes."\textsuperscript{111}

The apprehensions of the Centre with regard to this Bill, however, have been dealt with by Inder Malhotra in the following style:

"The profoundly disturbing political and psychological fall out of the Bill is already in evidence. But a bigger disaster is bound to follow if the Bill is allowed to become law. For under it, not only will countless Pakistanis be able to come and settle in Kashmir (or elsewhere in India) but a floodgate will have been opened for Pakistani spies, saboteurs, disruptors and trouble makers to operate

\textsuperscript{111} The Aftab, Daily, Srinagar, May 9, 1982,
with impunity in the country’s most sensitive State.”

Thus the resettlement Bill unexpectedly became a controversial legal issue, which has further strained relations between the Centre State of Jammu & Kashmir. The Governor of the State has not consented the Bill so far. The Congress (I) does not want the Bill to see it in operation. The Sheikh has already, in the event of rejection of the Bill, declared to resubmit it to the legislature so that it is deemed to have been passed even if the Governor does not assent to it.

To sum up the controversies and disagreements between the Central leadership and State leadership, it is better to refer to the arguments provided by Inder Malhotra. He says,

“He has, for instance, called into question Kashmir’s accession to India when it has suited him and declared it to be a settled fact at other times. He has gone so far as to equate, in relation to Kashmir, India and Pakistan, no less outrageously, he has sought to equate also India’s democratically elected Prime Minister, having a resounding popular mandate, and Pakistan’s military dictator. He has sullied his shining secular record by some times encouraging such communal and fundamentalist elements as Jamat-i-Islami and its more militant Student Wing, Jamat-i-Tulba pondering to their beset instincts by comparing the Moradabad riots in 1980 to Jallanwallan Bagh. He cannot escape his share of responsibility for last year’s ghostly incident in which income tax officers of the Union Government trying to catch tax evaders in Srinagar were brutally assaulted while the Kashmir police stood idly by and looked other way. And so on.

In fairness, it must be added that the strife between the Chief Minister of so sensitive a State as Kashmir and


Resurrection of the National Conference

New Delhi, has not always been one way affair. If the Sheikh has often behaved in a wholly unacceptable manner and severely tested the Centre’s patience, he too has been offered some provocation by the Congress (I). On one famous occasion, during a whirlwind tour of Jammu and Kashmir Mrs. Gandhi not only attacked the Sheikh vehemently but allowed herself to declare that without the Centre’s tolerance and help his government could not last even for half an hour.

This only confirmed that Sheikh Abdullah’s paranoid belief that the Centre was out to topple his Ministry and this feeling was inevitably reinforced by the wild claims of the State Congress (I) leaders, mostly youngsters in a hurry, that their own ascension to power was only a matter of week’s, if not days.

Whether the conflict between the Centre and the State leadership is a consequence of an ideological cleavage or that of personal ego or that of unpredictable behaviour or opportunism, the fact remains that the Sheikh has a charisma by virtue of which the National Conference in government or out of power has dominated politics every time of its history, in particular since its assumption of power in 1975. The Sheikh is the National Conference and the vice versa—the consequence being that his National Conference is a Sheikh made for realizing his ends and the ends he is supposed to cherish. His internments since 1953 onwards do subscribe to the view that he was neither opportunist nor power thirsty—he has something to part with from the people. Assuredly, he has a capacity to dominate politics—he has done it so far, in particular since his assumption of power. He has by and large, reduced the chances for any national political party to be in the run in the State—localism gets credence.

CHAPTER IV

Issues and Pursuits

Of the political developments in the State since 1947, the major events which were dominated by the National Conference and its leadership were:

(i) the prolonged Satyagraha in Jammu in late 1952 and early 1953,

(ii) the dismissal of Sheikh Mohammad in August 1953,

(iii) the split in the National Conference in 1957,

(iv) founding of the Plebiscite Front in 1956,

(v) the developments following the State-wide agitation in 1964 after the loss of a sacred relic from the Hazratbal shrine in Srinagar, and the release of Sheikh Abdullah.


The Satyagraha was launched by the Praja Parishad in Jammu and was directed against the Sheikh and his party—they levelled the following charges:

(i) Abdullah had tried to Muslimise the State in the name of secularism.

(ii) There had been totalitarianism in the name of democracy.

(iii) Civil liberties had been attacked by the ruling party.

(iv) Steps had been taken towards the creation of independent Kashmir.

(v) Delhi Agreement was a betrayal.

(vi) It was leading to a victory of the Communists.¹

This agitation in Jammu, was one of the reasons for the fall of the Sheikh in 1953. Instead of solving the relations between the State and the Centre the arrest aggravated the situation which so far remains unresolved. Within a month of the withdrawal of the agitation in Jammu, "the National Conference was forced to take note of some of his dangerous ideals and formulations and forced his exit from the Conference and the Cabinet."² The next political development in the State in 1956 was the rift in the National Conference led by Bakhshi Ghulam Mohammad and the formation of the Democratic National Conference in 1957. The rift was caused on account of the omissions of G.L. Dogra, C.M. Sadiq, D.P. Dhar and Mir Qasim as Ministers in the Council of Ministers after the elections of 1957. However, when they were offered the ministership later, the new party decided to merge itself again into the National Conference in 1960. This National Conference, however, did not determine the course of politics in the State. It was rather the Plebiscite Front, which both at the domestic level in the State and at the international level played an important role. It determined the course of its politics and dominated the scene.

Bakhshi's removal from the administration under Kamraj Plan, resulted into the election of Shamasuddin as the State Prime Minister. Writes Sisir Gupta,

"But there were many who regarded the election of Shamasuddin as a device to keep the major political opponents of the Premier out of government."

Gupta further elaborates:

2. Ibid., p. 382.
The stability that Bakshi Ghulam Mohammad achieved was not based on any great amount of popular sanction behind his methods of administering the State. There were stories of nepotism and corruption at the highest levels, of serious procedural lapses, of high-handedness and disregard for the established Codes of Conduct in public life. The resulting public resentment against the State authorities found expression in many ways and dissident members of the National Conference themselves continued to focus attention on these aspects of the regime of Bakshi Ghulam Mohammad. However, it was not until an unfortunate incident occurred in the State in December 1963, that the magnitude of the unpopularity of the State government became evident. The agitation in response to the theft of the sacred relic, resulted in the fall of Shamasuddin ministry and the election of Mr. G.M. Sadiq as the new Prime Minister of the State. The agitation had also raised the slogan of the release of the Sheikh. Anti-India and anti-State government slogans and pro-Sheikh slogans had convinced Government of India and Government of Kashmir to re-think about the lion in the cage. Consequently, one of the actions taken by the government of Sadiq in the early weeks of its existence was to withdraw the case against Sheikh Mohammad Abdullah. Sisir Gupta commenting on Sheikh Abdullah, "Indian opinion had always regarded it as unfortunate that a colleague in the National movement and a great political leader like Sheikh Abdullah should have to be detained in prison in free India and, a sense of guilt oppressed many that he had not been given the freedom to function in the State, even though he had differed fundamentally with the position of his colleagues in the National Conference and his own position in the early years of freedom."  

3. Ibid., p. 389.
4. Ibid., p. 391.

Sadiq in power, Sheikh in the political arena of the State and the Centre, his visit to Pakistan and Nehru's death and 1965 Indo-Pak war were the events which proved beyond doubt that the Sheikh and his Plebiscite was a source of irritation to Government of India and their vassals in the State. The Sheikh's re-arrest did not in any way prove that he had no following or the charisma he had either inherited or acquired. The rise of Mrs. Gandhi after the death of Prime Minister Shastri at the end of Tashkent agreement and her rise to Churchalian victory in 1971 conflict with Pakistan, no doubt, did not lessen the importance of the Sheikh. However, at this stage of political arena, the Sheikh stood on a weaker position, if not at the domestic front but at the international level. Consequently, there was a dialogue between Mrs. Indira Gandhi and the Sheikh resulting into the 'Accord', an attempt at determining the State-Centre relations. Mrs. Indira Gandhi, being adamant that "the clock cannot be put back and we have to take note of the relations of the situation."  

The determination of State's relations with the Centre, was the first concern of the Sheikh, and his party. The Sheikh in finalizing the 'Accord', was motivated by the desire of maintaining the nationalist outlook and at the same time demarking the line where he stood. In the Kashmir nationalism he foresaw:  

"Nationalism in Kashmir, however, sprang from its incredible poverty, squalor, misery and under-nourishment which are the lot of the exploited masses. Nationalism in Kashmir is no more middle class enthusiasm. It has no glamorous about it. It is firmly based on the bed rock of stark economic realities, and the urge for political freedom. The idea of nationalism in Kashmir  

cannot be comprehended unless it is viewed against the
political and economic programme put forward in "New
Kashmir", which presents the broad contours of a demo-
cratic State based upon radical economic programme.
Its expression of the long felt desire to bring together
various sections of the oppressed people in the State on
the basis of their common economic sufferings. It is an
embodiment of the attempt to mobilize their common will
to put an end to these sufferings."

Accordingly, the Sheikh thought of providing the people a
democratic government with a radical economic programme
as envisaged by the National Conference in 1944. He believed
that the people of Kashmir were denied the political freedoms.
The accord according to him was reiteration of faith in the
Centre and to perpetuate the mutual faith he took over power

Once the issue of Centre-State relations was settled the
National Conference had other issues to confront. It laid
down,

"As long as there exist the problems of poverty, hunger,
physical and spiritual imbalance, and consequent to
them, poor and backward classes and their women
and children remain under tension—Till then the human
beings and their welfare will simply be a mirage."

Before they could devote their energy to their commitment
of economic planning, they immediately after assumption of
power faced a political problem—Congress majority in the
legislature with a cabinet of minority nature. Probably, the
Pradesh Congress acted on the advice of Machiavelli,

6. K.K. Misra, Kashmir & India’s Foreign Policy, Chugh,
Allahabad, 1979, p. 45.
7. National Conference, Maqasid Aur Kamyabian, (Urdu),

Issues and Pursuits

"To rely wholly on the lion is unwise; and for this reason
a prudent Prince neither can nor ought to keep his word
when to keep it is hurtful to him and the causes which
led him to pledge it are removed." 86

Possibly this was true of the Sheikh and the Pradesh Congress.
The latter thought of sharing power with the National Confer-
ence, which had been denied to them. Consequently, the
Pradesh Congress withdrew their support to the Sheikh minis-
try in February 1977—the result was fresh elections in June,
1977 as the Sheikh recommended the dissolution of the House
to the Governor who exercised his powers according to wishes
of the Chief Minister.

During two years of power, before elections of 1977, the
National Conference and its leadership tried to devote itself to
the cause of economic development. In the outset it pointed
out the following questions:—

(i) How to eradicate corruption or corrupt practices both
in and outside the administration?
(ii) How to provide to the State clean and effective
administration?
(iii) How to renew and reorganize the programmes for the
economic welfare and promotion of the living
standards?
(iv) How to achieve self-sufficiency and economic progress
based on social justice, within a short period?
(v) How to speed up the works of economic reconstruc-
tions?
(vi) How to restore peaceful atmosphere in the educational
institutions and how to bring prospects for the future

of unemployed youth. To streamline these objectives the National Conference government issued the orders with regard to the following:

(a) The widows and women without support were provided with Centres, which trained them and paid them stipends. A sum of Rs. 60/- were paid to them, half of it was deposited in a cooperative society as a membership. Thus cottage industries were to be encouraged.

(b) The work on Nallah Mar Project in Srinagar was speeded up and water supply was made available.

(c) In Jammu on Tawi and in Srinagar on the Jhelum, bridges were constructed.

(d) In cities, sanitation, new constructions were cared for — many graduates were paid Rs. 120/- as a stipend.

Many other schemes were introduced. Electricity was provided to rural areas and its supply was made certain. Consequently the following expenditures during the years 1976-77 were provided:

<table>
<thead>
<tr>
<th>Items</th>
<th>Sums in Crores</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agriculture</td>
<td>Rs. 8.91</td>
</tr>
<tr>
<td>2. Cooperative</td>
<td>Rs. 0.80</td>
</tr>
<tr>
<td>3. Irrigation and Power</td>
<td>Rs. 36.25</td>
</tr>
<tr>
<td>4. Industry and Mineralogy</td>
<td>Rs. 5.14</td>
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<tr>
<td>5. Communication</td>
<td>Rs. 9.17</td>
</tr>
<tr>
<td>6. Social Services (Education and Health)</td>
<td>Rs. 13.62</td>
</tr>
<tr>
<td>7. Backward Areas (Ladakh)</td>
<td>Rs. 4.35</td>
</tr>
<tr>
<td>8. Miscellaneous</td>
<td>Rs. 1.00</td>
</tr>
</tbody>
</table>

Further, the government undertook the task of electrifying 2068 villages and the construction of Ravi Canal was taken in the hands. The Canal was estimated to irrigate nearly


10,65,600 Kanals of land. A master plan was prepared for both the cities of Srinagar and Jammu. The scheme of group insurance, capital investment, improvement in horticulture, increase in revenue tax on land, tax on irrigation purposes, sales tax and property tax were introduced with a view of using the amount of tax on social welfare scheme.

Whatever little the National Conference, in economic field, could accomplish during the two years of unpredictable Congress majority in legislature, it did not bring any dividends for it. The reason being that schemes of economic nature do not bring immediate results. However, with the change in Centre, the situation in the State also brought in new dimensions in politics. Morarji was not in a mood to rig elections in the State as the earlier governments had done. The National Conference was conscious, at the same time to face the challenge and as we have discussed it fought with diplomacy and statesman like. They won the elections and had a stable majority to form the government.

Elections, as it is required, needed same commitment from the National Conference leadership. This commitment was manifest in the Manifesto of the National Conference, which was published on May 23, 1977. It provided for the people, the problems or issues and the pursuits or promises made by the National Conference. Let us examine its broader features:

The Manifesto opens with the assertion:

"My (Sheikh Abdullah) goal is to free my mother country from the slavery. Let us rise above the petty communal contradictions and unite to fight for freedom and share the responsibility to uphold the welfare of the people. I request my Hindu brethren to shun off the harassment and fear and not to be vitiates by doubts.

10. Ibid., pp. 13-19.
We assure them that in case they cooperate with Muslims, we shall protect their rights as we shall protect ours.\textsuperscript{11}

Commenting on the Naya Kashmir and its implementation, the manifesto reads,

"The 'Naya Kashmir' and its contents are as relevant today as they were in 1944, when it was adopted. The National Conference desires to make the Naya Kashmir operative in its essence. Towards this and we have prepared a plan. Its basis is democracy—and it is the function from its grass-root Panchayat to the national Assembly. There shall be independence of judiciary and administration shall be responsible to it. In the field of economic life, we accept the principle of planned economy because it is the spirit behind economic freedom. We shall act on it and thereby raise the economic standards of the people. According to New Kashmir we shall have to go to character building of both men and women—as they have been rendered frustrated, owing to long span of slavery. We shall have to produce such men who shall contribute to our historical and cultural heritage and who shall preserve our past and the pride that is Kashmir."\textsuperscript{12}

While reminding the past commitments made by the National Conference, the manifesto says that the intention of reminding them is not to create misunderstanding but emphasis the relevance of these commitments to the forthcoming elections. It asserts that the Kashmiri is placed in a new situation especially at a time when Congress had lost its thirty years old rule. According to it, after the independence the National Conference had interpreted the Centre-State


\textsuperscript{12}Ibid., p. 3.
that it had solved many problems and settled many issues and above all fulfilled all its promises from time to time.\textsuperscript{16}

The National Conference, in its manifesto, affirms that it stood for moral values and these were verifiable in its theory and practice in politics. Even now, it asserts, the party believes in peace and democratic values. It has cherished, the same peace in domestic and international affairs and in dealing with problems facing the world. It has a faith that the National Conference alone is enduring to convert the State into a welfare state. It proclaims that in the event of victory in elections it will reorganise society and bring to its citizens the honour and respect, which according to them was lost because of ill policies of their predecessor governments.\textsuperscript{17}

The manifesto, in addition to what has been examined in earlier pages, provides a list of promises. However, earlier it has been discussed that two issues which became convincing arguments for elections were the internal autonomy by defending Article 370 of the Indian Constitution and the restoration of honour and respect for the people of the State, Kashmiris in particular. There are twenty four promises made in the manifesto which are examined in the pages ahead.

The unemployment is one of the issues that confronts every government, everywhere in the context of modern States. There are hardly any governments who are in a position to settle it. Consequently, the manifesto recognizes, the urgency of this problem and promises to settle it with the declaration “Every able-bodied shall have the opportunity to employment.”\textsuperscript{18} To foister this opportunity the National Conference proclaims to act on planned economy so that opportunities are created to settle the issue. It believes that planned economy shall endeavour to provide employment to all educated and uneducated youth. At the same time it promises to create equal opportunities for both men and women, without any caste, creed or colour.\textsuperscript{19}

The National Conference promises to provide National Security Plan, so that old age pensions and pensions for invalids and ill-bodied persons is assured. It desired to operate planned schemes in far-flung areas of the State and link them with other parts of the State through communication and transport facilities. Interested in health welfare of the people, it promises to make planned schemes by virtue of which peoples health is cared and looked after.\textsuperscript{20}

The manifesto, proclaimed that schemes shall be taken in hand for the supply of water and these schemes shall be completed in a short time. Public health department shall foister these schemes and examine their practicability. In social life it envisaged the abolition of system of dowry and other social evils. It affirmed that the everybody’s personal law shall be protected. Promising the progress of every State language, it assured of helping and assisting the languages for their promotion.\textsuperscript{21} Within two years after the assumption of power, the National Conference promised to electrify all the areas in the State. For economic progress, it envisaged irrigation schemes to operate so that self-sufficiency in food could be ascertained. Under planned schemes, it promised to open new industries and cottage industries so that cooperative and responsible sentiment is encouraged.\textsuperscript{22}

The orchardist economy is fast growing in the State, during the last two decades. It is felt that the apple fetches enough revenue to the State and according to Manzoor Fazili, “in the

\begin{itemize}
\item \textsuperscript{16} Ibid., p. 10.
\item \textsuperscript{17} Ibid., p. 12.
\item \textsuperscript{18} Ibid., p. 12.
\item \textsuperscript{19} Ibid.
\item \textsuperscript{20} Ibid.
\item \textsuperscript{21} Ibid., p. 13.
\item \textsuperscript{22} Ibid.
\end{itemize}
recent years some sort of commercial and orchardist capitalism has grown.\textsuperscript{23} Accordingly, it visualizes a special attention to this industry—the National Conference consequently promised a special attention to it. It also proclaimed improvement in tourism as it is well known that Kashmir from times immemorial has attracted tourists from all over the world.\textsuperscript{24}

The manifesto further visualized improvement in transportation. It desired the transport to provide better dividends to both sectors whether public or private. Further with the improvement in transport department it visualised change in the pay scales of employees so that service class could enjoy better living standards both in service and after pension. Allowances, were promised to be paid to the service class according to rates of Central Government and their housing problems were to be solved.\textsuperscript{25}

The National Conference assumed the responsibility, in the manifesto, of assessment in the debts of tenants and small traders. It promised the appointment of State subjects to all posts whether gazetted or non-gazetted. The child and youth care in health and education—further planning for their recreation and the operation of these schemes is affirmed. The eradication of corruption and promise of clean administration was claimed. It asserted to enforce all the relevant articles of the Constitution which could ensure a socialist society. It emphasized the role of the public sector and visualised to create a sense of cooperation in economic and industrial fields.\textsuperscript{26}


The National Conference further envisaged the restoration of Fundamental rights for the people of the State. It promised to provide the freedom of thought, associations, and the freedom of conscience in its actual spirit according to them these were to be operative—promising thereby that no law shall be passed which will hinder their implementation. The manifesto says that all such Fundamental Rights shall be operative in the State which were already provided in the Constitution of India for the people of Kashmir.\textsuperscript{27} However, it may be recalled here that the special "Constitutional provisions pertaining to the State of Jammu and Kashmir, envisage a partial application of the Constitution of India to the State."\textsuperscript{28} The operation of the provisions regarding fundamental rights enumerated in the Constitution of India were extended to the State by the Constitution (Application to J & K) Order, of 1954. When the Constitution of the State was promulgated in 1957, provisions were also included in it stipulating and confirming the availability of the fundamental rights provided for, the Constitution of India, to the people of the State. However, it was alleged by the National Conference that these rights were provided for the people only in name and hence they promised their adherence to them.\textsuperscript{29}

One of the important and significant promises that the National Conference committed to the people was the agrarian reforms. The agrarian reforms in Kashmir has had a very special history in the State. Let me examine the issue in brief and show, how, the Sheikh and his National Conference, first in 1950 and later in 1978, were the vanguard for these

27. \textit{Ibid.}
28. K.M. Teng, Kashmir's Special Status, Oriental, Delhi, 1975, p. 82.
and the main reason behind it was its bad drafting. While Justice Mufti was presiding, the full-bench judgement of the Jammu and Kashmir High Court observed:

"The new Act is not well drafted and this appears to me to be one of the main reasons which has made its underlying scheme obscure and rendered it difficult for most of the people to comprehend its scope and content. I apprehend that the imperfections in drafting might even lead to unavoidable and unnecessary litigation."^33

In order to remove these defects and to review it with a view to provide for more equitable distribution and better utilization of land suited to the circumstances of the State so as to subserve the common good, this Act was kept in suspension from 25th March, 1975 by the Jammu and Kashmir Agrarian Reforms (suspension operation) Act, 1975 (Act III of 1975) and a Special Committee was appointed to look into the matter and scrutinize the Act thoroughly. The present Act is based on the report of this Committee. Suspension operation of the Act was promulgated by the National Conference immediately after a month of the assumption of their power in February 1975, When the Act was amended and properly drafted it was again passed and operated under the National Conference Government. Most of it has been in operation, since its adoption. Consequently the credit of the Agrarian Act 1976 also goes to the National Conference and its leadership rather than those who had visualized it earlier. The salient features of the Act are given as under as to understand tremendous cause which was operationalized by the National Conference government in accordance with their commitment.

The Act—

(1) Abolishes absentee landlordism.

32. Ibid., pp. 2-3.
33. Ibid., p. 3.
Kashmir National Conference and Politics (J & K)

(2) Imposes ceiling on agricultural land and orchards.
(3) Makes provisions for the selection of land, if the land exceeds ceiling area.
(4) Makes provision for resumption.
(5) Provides adequate compensation to the aggrieved parties.
(6) Allows cultivation of land through servant or hired labour in genuine cases.
(7) Recognizes the private agreements between landlord and tenants of rent and amounts and also apportionment of land.
(8) Prohibits the creation of new tenancy except in certain cases.
(9) Protects the rights and interests of evacuees.
(10) Prohibits alienation of land by way of sale, gift, mortgage with possession, bequest and exchange.
(11) Makes provisions for the attachment by the collector of the orchard or a plantation of trees on State land or land reserved for grazing purposes.
(12) Creates new administrative machinery for the implementation of the provisions of the Act.34

In accordance with the promises made by the National Conference in the manifesto before election the government of the Sheikh implemented and enforced the Act and many of the landless people received land. By and large, the problems with regard to possession of land were solved. There may still be need to reform the agricultural holdings but the credit goes to the National Conference both between 1947-53 and in the post 1975 that it had capacity to settle its problems and induct the agrarian reforms. It is both way a radical change. The General Secretary of the National Conference in the epilogue35 of his pamphlet wrote,

34. Ibid., p. 6.
35. Sher-i-Kashmir Ki Do Sala Hakumat Ke Namayun, Srinagar.

Issues and Pursuits

"When Sheikh Saheb resigned the office of Chief Minister on 27th March, 1977, the changes in social, economic and political areas had yet to be accomplished. His able and charismatic leadership stands as lighthouse for the progress and reconstruction of the State. Relevance of the achievements of his government for a short period stands distinct with regard to changes in social, economic and political life of the people of the State. He has established that he is in a position to guarantee a hopeful future."36

Whatever the magnitude of issues and pursuits, the fact remains that the National Conference since its assumption of power after Accord, had to face some acute problems of varied dimensions. The first, the Congress withdrawal of support in the legislature which is discussed in an earlier chapter. After some more problems like slogan of regional imbalances by the people of Ladakh and Jammu, Though the regional imbalance claim is as old as the freedom struggle in Kashmir, yet its revival was to tease the Sheikh and his government. As early as 1931, the then Maharaja of Kashmir Hari Singh appointed a Commission headed by B. J. Clancy on 12th February 1931 to study the issue.37 Another Commission under the chairmanship of P. G. Gajendragadkar was appointed in the post-independence era as late as 1967. It probed a little deeper into the problem—yet in 1978 the same slogan created a grave situation in Poonch. The agitation was launched over the selection of teachers and some other employees, by the Recruitment Board of the area. The slogans, speeches of leaders, schemes and strategies the hallmark of the agitation pointed clearly to an organised campaign against what they called the

36. Ibid., p. 15.
rule of Kashmiri Muslims.\(^{38}\) Destruction to public property, precious human lives were lost and finally the grievances were redressed. The All Party Jammu Committee which sympathised with the Poonch agitators were finally defeated but the Sheikh government also had to give in. In comparison of the losses, none was the gainer. The agitation was foiled after an appointment of a Commission under Justice S. M. Sikri, a retired judge of the Supreme Court of India. Mr. Sikri was assisted by Dr. Malcolm S. Adiseshia, a member of the Rajya Sabha and Dr. A.R. Kidwai.\(^{39}\)

The Sikri Commission, in addition to other recommendations, said:

"The Commission has found no imbalance apart from imbalance in individual items (vide Para 5.4.1) at the level of the regions or the district administrative units within the regions to lead it to recommend "Constitutional measures" as referred to in its terms of reference.

The Commission has found imbalance in financial expenditure and in development programmes at the regional level in the IV Plan period and early years of the V Plan which are now corrected, and serious imbalance in some of the district administrative units within each region. To meet these problems the Commission proposes the creation of a State Development Board composed of the Chief Minister as chairman, and such members of the legislature as the J & K Legislature may nominate in accordance with its procedure."\(^{40}\)

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40. Ibid., p. 244.

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\* Thus the agitation in Jammu could not bring anything for either the Jammu people or could it bring any credit to the government. It, however, had a catharsis for the psychological problem of Jammu and Ladakh people. Just as Gajendragadkar Commission appeased the Kashmiri Pandits in 1967, so did Sikri Commission in 1979. This, however, nodoubt created a gulf between different regions of the State. Whether Jammu or Ladakh people or Kashmiri Pandits in the Valley, raising the bogey of imbalances and discriminations, the fact remained that it created, in addition to sentimental cleavage, problems of law and order for the Sheikh government at the same time.

Immediately after the Accord, the Congress (I) and the Sheikh could not go together. Consequential upon the power struggle, the Congress withdrew the support and the Sheikh had to face it. Had the rift remained within the walls of the legislature, the National Conference had nothing to worry about but it was brought to the streets. The Sheikh had to recommend the dissolution of the Legislative Assembly. P.N. Bazaz, in his book, and through his letters to the Governor of the State and the Minister for Home Affairs, Government of India, emphasised the position that there was absence of law and order, in the State. According to him, there persisted hooliganism and terror because the Governor was partisan and the Advisor was disappointed.\(^{41}\)

\* After elections, when the National Conference assumed power, the Sheikh, "ignoring Ghulam Mohammad Shah his son-in-law and making Mirza Afzal Beg Deputy Chief Minister, he made latter as Defecto head of the government during his illness and absence. Handling everything while the Sheikh recuperated gave Beg ideas and swollen head. Worried Sheikh soon discovered that Beg was getting too big for his

boots and promptly gave him the boot.42 Under strains and stresses the Sheikh had to remove a companion of his once for all. Though the ouster of Mr. Beg did not create a severe law and order problem yet in Islamabad (Beg’s home town), the National Conference had to face many problems. Even on Beg Sahib’s burial day, the police had to maintain order, as Dr. Farooq was not permitted to pay him tribute. At the same time, the Inqilabi National Conference also created problems of law and order for the government for some time.

During the regime of National Conference, the government faced an unprecedented law and order situation immediately after the execution of Mr. Z.A. Bhutto, the ex-Prime Minister of Pakistan. The workers of the Jamat-i-Islami and Ahmadayas were victims of hooliganism, arson and looting. Severe criticism was levelled against the failure of law and order machinery. The government was discredited and claimed to be ineffective.

In March 1980, the Road Transport Corporation employees struck their work. The government had a counter offensive by employing the private services and defeating the employees of the Road Transport Corporation, the government returned successful in suppressing the striking workers. Later students of various colleges and university agitated on the plea of a publication of a book “Islam: Its Culture and Monuments”, in which a pen picture of Prophet Muhammad (Be peace to his soul) was drawn. The government had to quell it.43 The hike in bus fare further aggravated the situation and students again initiated agitation. The Sheikh’s car was gheraoed and students were lathi-charged. Students were also arrested and then released but the law and order situation, by and large, did not improve to the satisfaction of economic improvements.

42. Asian News Magazine, New Delhi, April 13-16, 1981.
43. The Aftab, Daily, Srinagar, April 14, 1980.

Earlier the Sheikh government had to foil another attempt of agitation mood by public in Srinagar when subsidy on food was abolished. The Sheikh government, however, was committed to it and it did not budge an inch on this score. He had claimed that it touches the very ego of the Kashmiris and stakes his honour.

The Sheikh’s speech at Martyrs’ Day created an uproar in the Indian press. Earlier Home Minister, Giani Zail Singh and Mrs. Gandhi had been critical of Sheikh Abdullah. The Sheikh on Martyrs’ Day, 13th July, 1980 had strong counter offensive against the Central leadership and said, “the people have firm faith and confidence in the National Conference even now and for this reason they do not care for anybody be it General Zia or Mrs. Gandhi.”44 This again aggravated the relations between the Centre and the State leadership. Thus old animosities between the Sheikh and the Congress (I) which started surfacing in December 1979, are the main cause of his outburst at Shaheed Mazar (the burial ground of Martyrs) in Srinagar.45

The law and order situation thus was rendered a matter of shuttlecock. For some months it was calm and for some months it troubled the government very much. The National Conference labelled the Congress (I) for disturbing the peace and vice versa. The Congress (I) labelled the National Conference having colluded with the Jamat-i-Islami and Jamat-i-Tulba including Jana Sangh to further their designs against the Congress (I). In between occurred the accident between an Auto-ricksha and a military truck. It snowballed into a major clash between the army and the civilian at Amirakadal, resulting into arson and looting. The agitated civilian, shouting Pro-Pakistan slogans and anti-India slogans were protesting.

45. Times of India, July 17, 1980.
against the burning of at least a dozen taxis and Tempoos besides damaging a number of buses by troops in sporadic clashes with civil transporters. It was "the Sheikh's courage to speak to the people at Lal Chowk and controlling the passions of the people" which saved the situation. However, such trifling accidents lead to political estrangement and re-open among the populace the question of accession.

Further, agitation in Shopian and Kishwar for grant of District status, agitations in Ladakh and Jammu for imbalances from time to time, for opening colleges at various places, Kashmir University fire in 1981 and by the students and installation of police permanently in the University— all posed law and order situation in the State. The fire which gutted the Legislative Assembly and severe threats of unemployed youth agitating at various district headquarters also posed a threat to law and order machinery.

The wounds of July 26, 1980 were still fresh when the press reported the communal tension in Moradabad. The Kashmiri would react sharper than the days following Z. A. Bhutto, but for the Sheikh and his government. The Moradabad riots were initially purely Muslims of the area versus the police but they were interpreted killings of Muslims by Hindus, which was not true. However, the State government was vigilant and tight security measures were arranged. Even twice police had to open fire in the interior city of Srinagar. Some deaths occurred and Kapil, an M.L.A., who was on "Peace Mission" in the area was injured—he stood by the side of the Deputy Commissioner and other officers of the law.

46. The Indian Express, July 28, 1980.
49. Srinagar by Dom Moreas.

Issues and Pursuits

order machinery. The Sheikh and his government averted the situation, by whatever means" in snowballing into a widespread agitation or revolution.

The promises or pursuits of the National Conference reveal that the leadership tried to implement what it had promised in earnest but failed in many and touched success in few. It was successful in abolishing the subsidy on food in Srinagar and Jammu. It suppressed the unfair means and lawlessness in educational institutions and restored confidence amongst college, university and school teachers. It streamlined the administration through single line administration—trying to remove the imbalances amongst areas at District and Tehsil levels. The operation and enforcement of the J & K Agrarian Reform Act is commendable as it changes the agricultural semi-feudal system into modern system in which the tiller is superior to everybody, in the villages. The Sheikh's government partially nationalized transport. According to the programme some routes like the National Highway (Srinagar to Jammu) have already been nationalized—the forests have already been closed for public.

The failures of the government are also well known. The Sheikh and his government as well as party failed in determining the relations between the State and the Centre though the Sheikh-Indira Accord tried to delimit it. Consequently, the crisis between the Centre and the State have been persisting and the National Conference assumed power. Further the party failed to absolve the hegemony of the bureaucracy in the administration. Though the Vigilance office was given a wide rope in cracking down on civil servants but it has been victims. Education is a useless trade—there is anarchy in all levels. It is in anarchy at all curricular levels. The price level...
has been virtually rising since the National Conference assumed power. Though it does not remain within the control of State government, yet the changes the fraud at local levels is an evil that could be prevented by the State government. Further, the grave problem remains neglected—the unemployment of educated youth. This problem is aggravated on account of nepotism and favouritism.

Thus the years of the National Conference government from 1975 to 1981, remain chequered on account of its achievements and failures. The public opinion since 1975 was subjected to hopes and illusions. It is difficult for the National Conference to claim that the period was absolutely successful in its political and economic issues and pursuits. Politics is determined by the results it contrives. Let us examine the politics played by the National Conference since 1975 until 1981 in the next chapter in the light of its commitments.

CHAPTER V

Political Sequel

The National Conference and the politics of Jammu and Kashmir since 1974-75, was mostly variated by the Centre-State relations. Though the Accord had to settle the same issue, yet in its interpretations and the political behaviour of the National Conference leadership both the Central and State leadership were drifting from each other. However, when Sheikh Abdullah was ailing in June 1982, considerable significance was attached to the meeting of the Prime Minister Mrs. Indira Gandhi, who called on the Chief Minister twice in three days of visit to the Valley. It was believed that Mrs. Gandhi’s three-day visit, which was billed as a rest and relaxation visit, had acted as a tonic for the restoration of familiar and other ties between the Sheikh and the Prime Minister on the one hand and the State and the Centre on the other. Future alone can determine the sequel to the politics of Mrs. Indira Gandhi’s visit to the Valley and in particular to the Sheikh.

As has been examined earlier, since the assumption of the power, the National Conference and its leadership determined the course of politics in the State. True that the Centre-State relationship had severe repercussions during the time of Mrs. Indira Gandhi than during the Janta Rule. The difference might be in the variance of the stature of Janata and Congress leadership. The political analyst might attribute the differences to the awkward behaviour of the Congress (I), who in 1977, withdrew its support to the Sheikh Ministry. Assuredly, this withdrawal of support must have been taken by the Sheikh as an event of betrayal and contrary to the spirit of “Accord”.

1. The Times of India, June 27, 1982.
The National Conference leadership thinks that the Congress (I) as opposition has not behaved properly as to warrant smooth sailing of politics. According to them, “For the Sheikh and his National Conference,revived in 1975 as a result of the Indira-Sheikh accord, and today rigidly controlled by his ambitious and ruthless son-in-law G.M. Shah, who is also Minister for Works and Power, the after taste of victory, was not without a tinge of pettiness. "The opposition", he says, a “little defensively”, have no sense of direction. They have'nt a chance of coming to power. They think that by purchasing members, they can create trouble, that they can provide an alibi for the Centre to dismiss the government. The future of stability here depends on the attitude of Congress (I) in the Centre: if they support these goings-on, naturally relations between us cannot be smooth.”

Just as the National Conference is apprehensive of the Congress (I) attitude and behaviour, so were made by Mrs. Indira Gandhi oblique noises against the Sheikh over the years after the assumption of power. She sometimes talked against and decried the National Conference's alleged involvement in encouraging communal parties like the Jamat-i-Islami and the Jana Sangh and some times his involvement in the maladministration of the state. Inder Malhotra wrote,

In fairness, it must be added that the strife between the Chief Minister of so sensitive a state as Kashmir and New Delhi has not always been a one-way affair. If the Sheikh has often behaved in a wholly unacceptable manner and severely tested the Centre's patience he too has been offered some provocation by the Congress (I). On one famous occasion, during a whirlwind tour of Jammu and Kashmir, Mrs. Gandhi not only attacked the Sheikh vehemently but allowed herself to declare that without the Centre's tolerance and help, his government could not last even for half an hour.”

This politics of State-Centre relations proves beyond doubt that the Sheikh and his National Conference is determined to play a game for the retention of power. How long this organisation would be able to retain its power is for the future to determine but the fact is that the charisma of the Sheikh still continues. The Sheikh has been able to retain it many a time so far and is likely continue. The Sheikh may leave power in due course of time on account of his health and age but not loosing his charisma. Future leadership of the National Conference may use his charisma even after Sheikh's withdrawal from politics.

What happened in the elections of 1977, may happen in future elections in the State. The Sheikh has turned to be shrewd politicians and his son who is already President of his organization, may have learnt many things of politics like Mrs. Indira Gandhi from her father before assumption of power. Elections in 1977, were won by the National Conference on three scores. Firstly, it declared to preserve the internal autonomy, and secondly it emphasised to bring back the lost honour and prestige for the nation. Consequent upon the promise of opening Rawalpindi-Srinagar Road, the public opinion in the Valley and in Muslim areas of Jammu were swayed in favour of the National Conference. Future elections, whenever to be held, envisage the pre-determined slogans like the debate on the appointment of the Chief Justice of J & K Highcourt and still more significant Resettlement Bill. Still further, the personality of the Sheikh, the star campaigned of the ruling party, is ultimately going to away the electorate in the Valley and the Muslim areas of the Jammu province.