CHAPTER 2

HISTORICAL GENESIS OF DEMOCRATIC DISCONTENT IN THE STATE OF JAMMU AND KASHMIR

2.1 Introduction

This chapter traces the history of the state of Jammu and Kashmir (J&K) and the circumstances under which it acceded to the Indian Union. With the invasion of Pakistan in 1947, J&K became an international issue which was taken up by the United Nations (henceforth UN). India’s claim over J&K was not just seen as a territorial issue but with its Muslim majority population the existence of the state as part of India has been viewed as a sign of its secular status. On the other side Pakistan’s claim over J&K is based on the state’s Muslim majority population and territorial proximity. Numerous initiatives were taken by the UN to decide upon the future of the state but all of them were unsuccessful. The chapter covers the period from 1947 to 1997 to trace the factors that led to the rise of democratic discontent in the state of J&K. It also discusses the conditions that led to the rise of insurgency in the state during the 1990s.

Although Kashmir at independence was a Muslim majority state, it was divided into three distinct regions – the Kashmir valley, Jammu and Ladakh. The population of the Kashmir valley, which was wholly absorbed into India, has been
nearly 95% of Muslim and predominantly Kashmiri speaking. Jammu has a Hindu majority of about 64% and Ladakh contains a tiny population of Tibetan Buddhists.¹

The three regions of the state of Jammu and Kashmir have had different political orientations and have spawned as well regional separatists movements within the state. The most important popular political force in the state in pre-independence, India was the All Jammu and Kashmir Muslim Conference, formed in 1932, which split into two factional offshoots in 1940. The leading faction was the National Conference of Sheikh Abdullah, which was strongest among Muslims in the Kashmir valley and allied with the Jammu and Kashmir National Conference (JNC). The second was the Muslim conference, strongest among Muslims in the Jammu region and allied with the Muslim League.²

From independence until the outbreak of internal war in 1989, the main issues in Kashmir have revolved around its Constitutional status, regional conflicts within the state and the relationship between the central and state governments. The history of these interrelated issues can be divided into three principal phases.³

2.2 Phase I: Fateful Origins in Ambiguity (1947-53)

This phase is one of the close alliances between the central government under Nehru’s leadership and Sheikh Abdullah, who became the Prime Minister of the state. J&K in 1947 was a Muslim majority state ruled by a Hindu Maharaja Hari Singh. By 15 August 1947, the Maharaja had not acceded to either India or Pakistan, hoping to

² Ibid
preserve his independence. When Pakistan backed raiders attacked the Kashmir valley to force its accession to Pakistan, the independence option was closed. The Maharaja responded by releasing the National Conference leaders, including Sheikh Abdullah. He also sought India’s military help and eventually acceded to India. In accepting the accession however the Governor General Lord Mountbatten injected the element of a referendum or plebiscite to ascertain the people’s wishes so that they could decide whether to join India or Pakistan or remain independent.⁴

Kashmir was central to Nehru’s objective of establishing the secular basis of the Indian state. Its inclusion was necessary not only for fighting an order and larger battle of secular nationalism vis-à-vis Pakistan’s two nation theory but also for confronting its old ideological adversary at home – that is Hindu nationalism. These political forces represented by the Jana Sangh and RSS could not fight in the battle for state formation but had always lurked in the background ‘waiting for the opportunity to take control of the Indian state’⁵ In this context, a voluntary decision of Muslim – majority Jammu and Kashmir to join India strengthened Nehru’s stand. He argued-

“...it helped our thesis of nationalism not being related to religion. If the contrary thesis were proved, it would have a powerful effect on the communal elements in India, both Hindu and Muslim. That is of extreme importance to us – that we don’t by taking some wrong steps in Kashmir create these terribly disruptive tendencies within India.”⁶

Accordingly Nehru was prepared to go the extra mile in accommodating the political aspirations of Kashmiris and assured them that the state’s future was secure

⁵ Gupta, Sisir (1967), Kashmir: A Study In India Pakistan Relations, Bombay: Asia Publishing House, p. 197.
in a federal, democratic and secular India. Kashmir was granted special status under Article 370\(^7\) of the constitution. No provision of the Indian constitution except Article 1 (bringing it under the territorial jurisdiction of India) was made applicable to the state. In accordance with the Instrument of Accession\(^8\), the Indian Parliament could legislate only on the three subjects of defense, foreign affairs and communications. All residuary powers were vested in the state. By 1950 this was a situation unique to J&K. Moreover, the state was allowed to retain important cultural symbols, such as its own flag, political titles such as Wazir-I-Azam (Prime minister) instead of Chief Minister for the elected head of government and Sadar- e -Riyasat instead of Governor for the head of state.\(^9\)

The Maharaja was also pursued by the Congress party to hand over power to the leader of the popular movement against him, as the hereditary rule was no longer possible. Sheikh Abdullah thus became the head of the J&K state. National Conference believed in the same principle of secularism and was the only popular political organization in Kashmir. Moreover Abdullah had explicitly rejected integration with Pakistan. Abdullah even wanted the Indian army to stay: "once we ask the Indian army, which is the only protective force against the marauders, to clear out, we leave the country open to chaos".\(^10\)

\(^7\) See Appendix A.
\(^8\) See Appendix D.
2.2.1 Internal Developments in J&K

In its social, economic and political structure the state of J&K was in 1947 one of the least developed regions of the Indian sub-continent. Kashmir of all Indian states needed economic and political reforms urgently to fill the vacuum caused by the demolition of the authority of the ruler as the entire political movement in the J&K had been built up on the basis of the promise of radical reforms.\(^{11}\)

In November 1951 Jammu and Kashmir’s constituent assembly was elected. Most of the National Conference (NC) politicians were elected unopposed. Election papers of politicians opposed to the NC were found either technically faulty or the opposition party boycotted the elections.\(^{12}\) Faced with the invasion and the need for invoking Indian assistance, the Maharaja of Kashmir, Maharaja Hari Singh made a most significant concession on 26\(^{th}\) October 1947 when in his letter to Governor General Mountbatten he declared his intention to setup an interim govt. with Sheikh Abdullah as its head. The interim administration was set up on 30\(^{th}\) October 1947.

The administration was replaced by a popular interim government composed of a council of ministers that were to function as a cabinet acting on the principle of joint responsibility. Kashmir was treated as an integral part of the Indian union as defined in article 1 of the Constitution. It was, however expressly provided in Article 370 that the law making power of the Union parliament in regard to Kashmir would be specified by the President in consultation with the state government on 26\(^{th}\) January 1950. The President promulgated the constitution order 1950, specifying in two different schedules the powers of the union and their applicability of the


\(^{12}\) Ibid p.212
constitution. The central subjects included foreign affairs, defense, communications etc. The J&K Constituent Assembly first met on 31st October 1951 and completed its task of constitution asking on 17th November 1956.\textsuperscript{13}

In the second session of the J&K State Assembly (27 March 1952), the committee on Land Compensation submitted its report to the assembly.\textsuperscript{14} The committee was against the payment of any compensation to the landlords. The ownership of the excess land was given to tenants and no compensation was to be paid for that. These land reforms which were to be entirely socio economic were viewed in communal terms. The reason simply was that most landlords in Kashmir were Hindus and most peasants were Muslim.

On 11\textsuperscript{th} August 1952, Sheikh Abdullah and Pdt Nehru signed an Agreement called Delhi Agreement\textsuperscript{15} regarding the basis of the state’s association with India. These were according to Abdullah, “certain broad principles” and certain, “tentative discussions”. The main features of the Delhi agreement were the following:\textsuperscript{16}

1) Residuary powers would vest in the state. More powers could be transferred to the union by the people of Kashmir;

2) The residents of the state would be the citizens of India. The State Legislature shall have power to define the rights and privileges of the J&K residents;

3) A Chapter on separate fundamental rights to be included in the Kashmir constitution would be decided;

4) The Supreme Court’s jurisdiction was recognized in regard to such fundamental rights as would be agreed to by the state. It would be the final court of appeal. But

\textsuperscript{13} Ibid. p. 214
\textsuperscript{14} Jammu and Kashmir Constituent Assembly Debates 1952, Volume II, No, 3 p-60.
\textsuperscript{16} Ibid.
detected examination of this is necessary and it was agreed that they should have
time to consider it further;

5) The new state flag was necessary for historical and other reasons. The union flag
would occupy the supremely distinctive place in the state;

6) Powers to grant reprieve and commute death sentences would belong to the
President of India;

7) The head of the state shall be the person recognized by the president of union on
the recommendation of state legislature;

8) The necessity of some financial arrangement was seen, but a detailed and
objective examination was considered necessary; and

9) Emergency provisions could be applied only at the request or with the
concurrence of the govt. of the state.

The Bharatiya Jana Sangh, the Hindu Mahasabha the Ram Rajya Parishad, the
Punjab Arya Samaj and some Akali leaders representing the Hindu nationalist forces
were never able to gain much ground in J&K. Nehru’s extraordinary concessions to
J&K and his full backing for Sheikh Abdullah provided the Hindu Nationalist forces
with just the ‘cause’ they needed for springing back into action and galvanizing their
cadres. In Jammu the “cause” was taken up by the Praja Parishad – a party founded
by Balraj Madhok on the RSS lines. Madhok believed that a Jammu – based political
party was essential for articulating the region’s demands because the Indian PM had
no interest in Jammu and the Maharaja was not in a position to act as Jammu’s

political representative. The Praja Parishad sought to end Kashmir domination by demanding complete integration of J&K into the Indian union. By transferring power from the valley based government to the central government they hoped Kashmiris domination over the Jammu region would be reduced.

The Parishad’s eight point programme demanded the abrogation of Article 370, full integration of state into Indian Union, full application of the Indian constitution, removal of the present distinction between state subjects and Indian citizens, complete jurisdiction of the SC, removal of customs barriers between Kashmir and India, fresh elections to the Kashmir Constituent Assembly and an investigation of corruption in the state administration by an impartial tribunal.

The Praja Parishad movement however failed to acquire a mass character owing to its limited base, especially in rural areas. The peasantry in J&K not only in the valley, but also in Jammu had reaped rich dividends from the NC’s land reform policies. By making it a Hindu-Muslim issue, the Parishad leadership failed to gain the support of Jammu Muslims who did not support the NC and who rejected the former’s communal agenda. The Parishad also failed to mobilize the support of the small but influential Hindu minority of Kashmiri Pandits in the valley and the Ladakhi Buddhist who shared their antipathy towards Sheikh Abdullah.

Sheikh Abdullah dismissed the agitation as reactionary and communal revolt by a handful of feudal landlords and parasite classes who opposed the agricultural reforms because they removed the social bases of their power. Nehru appeased the

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19 Ibid
21 Ibid
legitimate grievances of the Jammu people but he castigated the Praja Parishad agitation as objectionable, anti social, reactionary and subversive. He was convinced that the narrow communal approach would bring disaster not only for J&K state but also to the larger interests of India. 22

2.2.2 Abdullah's Arrest

In May 1953, at a session of the NC working committee, Sheikh Abdullah, heading a small section of the committee repudiated the past programmes of the Conference and advocated the alternative of creating an independent valley of Kashmir. He demanded the implementation of the Delhi agreement. This led to a shift in the cabinet and the NC. It led to the dismissal and arrest of sheikh Abdullah. With the coming of Bakshi Ghulam Mohammed’s government in power on 5 October 1953 the legislative assembly unanimously expressed confidence in the new government. The working committee of the National Conference had a divide in which Sheikh and Mirza Afzal Beg sought re-negotiation of ties with Bakshi Ghulam Mohammed along with G.L. Dogra, D.P. Dhar and G.M. Sadiq supported a more comprehensive relationship with the Indian Union.

Paul Brass remarks that despite an alliance with the center which undermined his credibility with Pro-Pakistan elements, Sheikh Abdullah began to formulate his own distinct position on the status of Kashmir, which implied something beyond autonomy. Some central leaders viewed this as covert support for independence of

22 Ibid
Kashmir from both Pakistan and India. Consequently Sheikh Abdullah was dismissed by the Central Government in August 1953 and was arrested and jailed.\footnote{Brass, Paul (1995), \emph{Politics of India Since Independence}, Cambridge: Cambridge University Press, pp. 215-224.}

Nehru said, “To me it has been a major surprise that a settlement arrived at between us should be by-passed or repudiated ..... my honor is bound up with my word .......... it is always painful to part company after long years of comradeship, but if our conscience so tells us ...... then there is no help for it. Even so we must do it with full understanding and full explanation to each other ....”\footnote{Nehru’s letter to Abdullah, June 28, 1953 in Gopal, S. (1984), \emph{Nehru: A Biography 1947-56, Volume II}, Cambridge: Harvard University Press, pp. 130-31.}

Abdullah did not respond soon after. Matters slipped beyond the control of Nehru and dissent against Abdullah, his party and cabinet was braving. The dissenters wanted a fuller integration with India, which essentially meant support for the Parishad’s stand too. Abdullah refused to resign, claiming that the people of Kashmir were with him, a claim that could not have been established in the chaos of July – Aug 1953 even if Abdullah’s arrest was ordered. He remained in prison with few exceptions till 1968\footnote{Singh, Karan (1989), \emph{Autobiography (1931-1967)}, New Delhi: Oxford University Press, pp. 158-164.}. Internal developments in the state resulted in the alienation of people from the mainstream politics.

In 1954 the matter was taken to the UN after which numerous initiatives were taken by the UN to decide upon the future of the state but all of them remained unsuccessful. The following section deals with the internationalization of the Kashmir issue.
JAMMU & KASHMIR: INTERNATIONAL BORDER

Source: Website of The Indian Embassy in the United States
2.2.3 Internationalization of the Kashmir Issue

India took the lead in bringing the Kashmir issue to the United Nations on December 11, 1948. Nehru’s purpose was to get the Security Council’s censure for “Pakistan Government’s personnel civil and military, participating in or assisting the invasion.” Pakistan government denied official involvement arguing that the invaders were driven by their feelings for Muslim brotherhood and had undertaken the invasion themselves. Referring to the Hindu-Muslim violence in the border towns of Jammu, Pakistan argued that India was carrying genocide against the Muslims.

Indian government wanted to undo the partition, according to Pakistan and it has secured the accession of Kashmir by fraud. Pakistan further said, since a pro-India government existed in Kashmir, a plebiscite in Kashmir should take place under U.N. supervision.

Sheikh Abdullah who was representing Kashmir called Pakistan an aggressor in the Security Council, arguing that, “it is absolutely impossible for the tribesmen to enter our territory without encouragement of Pakistan”, and that “hundreds of trucks, thousands of gallons of petrol, thousands of rifles, ammunition and all forms of help that an army requires were supplied to them.”

India obtained Kashmir’s support but not of Britain and United States. In its initial debates, Security Council did not call Pakistan an aggressor and declared Kashmir a disputed territory, thereby supporting the Pakistan’s position. So, it was decided that a plebiscite held under U.N. auspices, would decide Kashmir’s fate. The

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principle of plebiscite was not a contradiction of India’s position, but the U.N. agreement about the need for a plebiscite went against India. According to the Indian and Kashmiri governments, Pakistan had no locus standing in Kashmir, it was simply an aggressor.  

The Indian memorandum of 1st January as well as Gopalaswami Ayyangar’s (the Indian representative to the UN) speech of 15th Jan. 1948 to U.N. Security Council was concentrated on stating the facts regarding; the invasion of Kashmir, its accession to India, the obligation of India arising out of the occupation of part of its territory by outsiders and the measures urgently necessary for return of peaceful conditions in the subcontinent. It was stated that India’s decision to respond to the appeal of the Kashmir government arose out of two considerations:

1) They could not allow a neighbouring and friendly state to be compelled by force to determine either its internal affairs or its external relations and

2) The accession of the Jammu and Kashmir state to the dominion of India made India fully responsible for the defense of the state.  

It was also said that in order to avoid any possible suggestion that India had utilized the state’s immediate peril for her own political advantage, the Government of India made clear that once the soil of the state had been cleared of the invader and normal conditions are restored, its people would be free to decide their future by the recognized democratic method of a plebiscite or referendum. In order to ensure complete impartiality, it might be held under international auspices.

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31 Ibid.
These explanations were intended to impress upon the UN, the urgency of taking steps for the vacation of the territory occupied by nationals from Pakistan with their Government's assistance, as observed by Sisir Gupta.32

Ayyangar's speech highlighted the facts regarding accession and invasion. More important was the tone and approach of the speech. India had brought the issue to the UN with the "deepest regret"; India wished that the issue could be settled between them. In fact India had made an all round effort in that direction and at one stage "a settlement was almost in sight, but Pakistan declined to do what "under any view of right international conduct was its obligation". Ayyangar added: "No one with knowledge of the course of these negotiations could fail to have been impressed by the transparent good faith, the sincerity and the honesty of our endeavor to reach a settlement; and that settlement would have been reached but for the intransigence and the lack of adequate confidence and courage, in dealing with their own people, which the government of Pakistan have unfortunately exhibited in this connection".33

The situation in Kashmir would be "no matter of concern" for India if it wished to proceed militarily; but as a faithful member of the United Nations it would like to exhaust all possible avenues of places. India had come to the security council for assistance in persuading Pakistan to free the state from the courage of invasion and thus enable of a free choice to the people of their economic and political destiny. Not merely urgency but immediacy was needed in tackling the situation, for the risk was of an Indo-Pak conflict.

The last paragraph of Ayyangar's speech referred to the fast undertaken by Gandhi in India for the return of normal relationship with Pakistan. He said: I wish we

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33 Ibid, p. 1812
could notify him as soon as possible of a settlement between two dominions calculated to stop at once the fighting in Kashmir...we can make no greater contribution to the saving of this precious life.\textsuperscript{34} A settlement and return to normalcy were of urgent need from India’s viewpoint.

2.2.4 United Nation's Commission For India And Pakistan (UNCIP)

A UN Commission for India and Pakistan UNCIP was appointed to carry out the UN mandate in Kashmir. It arrived in the subcontinent in July 1948. During its research, it found evidence of Pakistan’s involvement in the invasion. It reported to the U.N. on Aug. 13, 1948 that “the presence of troops of Pakistan in the territory of Jammu and Kashmir constitutes a material change in the situation since it was last represented by the Govt. of Pakistan before the Security Council.\textsuperscript{35} Before a plebiscite could be conducted prior action, in two steps, was necessary according to the UNCIP.

In this first part, Pakistan should withdraw its troops from the disputed territory, and secure the withdrawal from the state of Jammu and Kashmir of invaders and Pakistan nationals who are not residents and have entered the state solely for the purpose of fighting.\textsuperscript{36} In the second part, “when the commission shall have notified the government of India to the security council as having occasioned the presence of Indian forces...Govt. of India will begin to withdraw the bulk of its forces from that state in stages agreed upon with the commission”.\textsuperscript{37} Once both withdrawals were completed, a plebiscite would be held.

\textsuperscript{35} UNCIP Resolutions, UN Doc. No. S/1430, December 1949.
\textsuperscript{36} Ibid
\textsuperscript{37} Ibid
During the commissions work in the subcontinent, there was no improvement in Indo-Pak relations in other spheres. It should be noted that towards the end of 1949, India offered to Pakistan a formal no war declaration. Pakistan did not find it possible to accept this offer unless some method of setting the outstanding disputes was agreed upon beforehand. The Pakistan view was: "we do not want war. But at the same time we shall not bow down to force or accept an unjust solution of the Kashmir problem."

Apart from the specific items of the dispute between India and Pakistan, one might also mention a factor of equal relevance of widening gulf between the political outdoors of the two countries. In India, this period saw the completion of the drafting of the constitution and in developing a measure of self confidence in the leadership in tackling the country's problems. In regard to rehabilitation for the refugees, the corner had been turned, the teeth of communalism had been broken. As a result of public reaction to Gandhiji's murder the integration of the country was complete. A socialist opposition had emerged and a debate had started on the socio-economic problems of the nation. The early adoption of a secular democratic constitution was a major achievement.

As against this in Pakistan, the death of Jinnah had created a void which was hard to fill. Objectives resolution adopted by the Constituent Assembly promised Islamic Constitution. No opposition to the ruling party was tolerated and religious leaders tended to become the vehicle of articulating opposition to the political regime.

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39 In 1949, Nehru repeatedly referred to the terms of India's partition and refused to accept the two nation theory. India, he told a press conference in London on 12 Nov. 1949 had been divided on territorial and not on religious basis. The conflict in Kashmir was not between Hindus and Muslims, but between people who wanted freedom based on Kashmiri nationalism with all the population pulling together and believers in the two nation theory that nationality went by religion speeches of Nehru in America Nations book stall New Delhi 1949 p.217 cited in S/1791 Report of Sir Owen Dixon, 15 Sept. 1950 UNCIP Reports and Documents.
Emotional integration of the country proved a more acute problem than in India and finally structural difficulties of a geographically novel state were showing up.\(^\text{40}\)

UNCIP also recommended that one single mediator, instead of a commission would be better suited to tackle the problem of Kashmir.

General MC Naughton was named as the informal mediator. He proposed that there should be an agreed programme of progressive reduction of armed forces on either side of the ceasefire line. A U.N. representative should be appointed by the Secretary General of the U.N. to supervise the execution of demilitarization and the administration of the Northern areas should subject to United Nations supervision, will be continued by local authorities. The proposals eventually submitted by the informal mediator appeared to India as a setback. For Pakistan it was a distinct gain as once again they tried to equate India and Pakistan as parties in a dispute. This was a position which India despised and the UNCIP had refused to accept. Pakistan had accepted the proposals, suggesting minor amendments. India had proposed major amendments; one providing for the disbanding and disarming of the azad forces and the other for the return of the Northern areas to India for the purposes of defence and to J&J govt. for purposes of administration.\(^\text{41}\)

Pakistan interpreted these amendments a clear rejection of the proposals and regarded it as futile to agree on threat basis. MC Naughton expressed no views in forwarding the account of his negotiations as he was merely acting as a "Channel:" and had nothing to add to his own view, which was expressed in the proposals of 22 Dec. 1949.\(^\text{42}\)


\(^{42}\)Ibid.
Thus another round of Security Council debates on Kashmir came to an end. The problem was now handed over to the UN representative, Sir M.N. Dixon. The specific task before him was to negotiate for demilitarization, on the lines envisaged in U.N. resolutions. If plebiscite proved impracticable the representative would be entitled to make other suggestions.43

2.2.5 The Dixon Mediation

Sir Amen Dixon, the Australian Jurist, was appointed the UN representative to solve the problem.44 He asked for the withdrawal of Indian forces and disarming and disbanding of the J&K state forces and the state militia, subject to the need for; (a) assisting civil power in maintaining order, and (b) guarding the Northern approaches to the valley against possible incursions. On the Pakistan side, he asked for the withdrawal of Pakistani troops and disarming azad forces and the Northern scouts subject to the need of; (i) stopping tribesmen marauders and raiders from entering the valley, (ii) quieting the fears among the Muslims and aiding the civil power in maintaining order.

The Indian Prime Minister Jawaharlal Nehru, asserted that the possibility of an attack by Pakistan, even after the withdrawal of the forces, must be taken into account in deciding upon the question of forces on the Indian side of the ceasefire time. India could not limit its forces in the area because Pakistani and Azadi forces remained within its territory. The Indian objections were not appreciated by Pakistan or Sir Owen. The attempt to obtain demilitarization appeared to break down because of the forgoing objections.

43 Times, 6 May 1950
Regarding the administration of Azad areas, Dixon proposed, to charge persons holding the offices of district magistrates and subordinate officers to carry on the administration according to the law and customs of the state, as before the trouble arose. An officer of the UN would be attached to every district magistrate to ensure that they exercise their power fairly. India could not accept this suggestion, as the existing district magistrates were those appointed after the invasion.

As for the Northern areas, Dixon wanted the appointment of a political agent or agents by the United Nations in consultations with India and Pakistan that would administer the authority. India objected as any consultation with Pakistan would imply its authority in the Northern areas and UN political agents might be unable to ensure fairness as being guided by existing officers. So, in any case India must place garrisons or military posts on the northern side of the ceasefire line.

The failure of these plans, brought Dixon at his own conclusion: “unless it was by a partition of the state, either outright or combined with a partial plebiscite limited to an area which included the valley of the Kashmir, no agreed settlement of the Kashmir dispute could be brought about. In partitioning the state, the problem basically arose over the Kashmir valley he said, I have formed the opinion that if there is any chance of setting the dispute over Kashmir big agreement between India and Pakistan it now lies in Pakistan and in some means of allocating the valley rather than an overall plebiscite. 45

Partition was difficult to accomplish, the difficulty being that of forming a sound judgment as to where the line should be drawn. It was advisable now to pass on the initiative to the parties themselves. The initiative of the council was necessary so long as fighting continued; once this was terminated it is perhaps best that the intimate

45 Ibid.
should now pass back to the parties. At any rate, Dixon could suggest any further step for the council to take.\textsuperscript{46}

2.2.6 Graham Proposals

Dr. Graham Frank, an American diplomat, was given the task of handling the situation. The UN representative had to give up all ideas of a joint meeting with the two Prime ministers or of one between the two Commanders in chief for the consideration of the political and military questions. He had to fall back on separate informal consultations with the officials of the two governments. On September 1951 he forwarded his proposals for an agreement for consideration of the two governments.\textsuperscript{47} It provided for; (i) reaffirmation by the governments of India and Pakistan. That they would not make war on the question of Kashmir (ii) An agreement that they would see that warlike statements were not made on the issue; (iii) Reaffirmation of the ceasefire line; (iv) Reaffirmation that the future of Kashmir would be decided by the plebiscite under UN auspices; and (v) agreement that demilitarization would be a single continuous process. It provided for completion of the process in 90 days. On Pakistani side, the tribesmen or Pakistani nationals would withdraw and there would be a large scale disbandment of Azad troops. On Indian side, the bulk of the troops will be withdrawn. One crucial provision was that differences on the plan of demilitarization will be settled by the UN representative, whose decision would be final. India had no difficulty in accepting the provision

\textsuperscript{46} Before leaving the sub continent, Dixon has proposed in his letter of 23 Aug to the two prime ministers that the two chief of staff take up this issue and agree between themselves to remove the danger to peace which must continue while the armies face each other across a cease fire line. India's reply was that she would be ready to reduce her forces by 20 to 25% of her own accord, if Pakistan was also peaceful. S/1791 Report of Sir Owen Dixon, 15 Sept. 1950 UNCIP Reports and Documents.

\textsuperscript{47} S/2375, First Report of Dr. Graham Frank, 15 October 1951.
regarding no war declaration or regarding plebiscite. The period of 90 days appeared inadequate for the necessary demilitarization. The government of India declared that their policy was to reduce their forces in the state to the minimum necessary to safeguard its security. This however would be done after Pakistan had withdrawn from Azad Kashmir.

India also disagreed with the time limit regarding induction into office of the plebiscite administrator. It would be premature to appoint him before he could function effectively and the proposal ought to be omitted from the document Pakistan generally agreed to the proposals. But some important reservations were made. The status of the forces left on either side would be the same. There would be large scale disarmament on the Indian side. Pakistan emphasized the need for; (a) an early appointment of the plebiscite administration; and (b) a provision for making the UN representatives decision final on differences regarding the interpretation of the agreement.

This indicated a deadlock. There was no agreement on the period of demilitarization, withdrawal of troops, the quantum of forces to be left and the appointment of the plebiscite administration. India did not consider the period of 90 days adequate but Pakistan did. There was agreement not to resort to force on the issue of Kashmir to curb warlike propaganda, to observe the ceasefire line and to have the issue of J&K decided through a plebiscite. On 4 Sep. 1952, Dr. Graham thought of a way out of the deadlock on the quantum of the forces and suggested on both sides there should be the minimum no of armed forces left. It was Dr. Graham’s hope that direct talks between the parties might help bring about a solution. He said, “Instead of the United Nations representative continuing to report differences to the security council, may the leadership of over 400,00,000 people with the goodwill and
assistance of the UN join in negotiating and reporting an agreement on Kashmir.”  

This ended five years of UN attempts to solve the problem of Kashmir.

From the earliest UN discussions to the UNCIP to Dixon to Graham, the UN concern was to effect demilitarization in the state without defining the rights and obligations of the two parties in the state. Pakistan’s action was regarded as the violation of international law. The sovereignty of the state of J&K was recognized and India’s right to ensure the state’s security was accepted. Yet, equivocation persisted and there was an attempt in statements and resolutions to equate the status of India and Pakistan.

2.3 Phase II 1953-83: Imprisoned Ethnic Nationalism, Emasculated Religious Nationalism and the Triumph of Secular Nationalism

Sheikh Abdullah’s arrest resulted in the removal of the most powerful exponent of Kashmiri nationalism from the political scene. His successor Bakshi Ghulam Mohammad, though a leading member of the NC, was an advocate of a complete union with India. A normal relationship resumed between the Indian government and the state government of J&K.

Over time, a combination of internal and external developments began to freeze the existing division of Kashmir. Externally, the absorption of the subcontinent into the cold war was the most significant development. In effect it made the UNCIP

resolution irrelevant. A plebiscite did not take place, because its prior conditions were never met.  

Internally, as Sheikh Abdullah was arrested, the J&K Constituent Assembly approved a merger with India in early 1956. Sheikh Abdullah’s supporters formed a plebiscite front after his imprisonment. Their political efforts could not pose a serious challenge to Bakshi Ghulam Mohammad. Demonstration launched to protest Abdullah’s arrest could not generate a popular uprising either. Abdullah was central to political mobilization in the valley. The state was so divided by then that his imprisonment was celebrated in Jammu. On March 29, 1956 Nehru in a famous speech in the Indian parliament, withdraw the offer of plebiscite on three grounds.  

1. For a plebiscite to take place on the terms laid down by the UN, Pakistan had to withdraw its forces from areas under its control (which was never done);  

2. Kashmir’s Constituent Assembly had approved the merger with India and accepted India’s Constitution;  

3. The drawing of the subcontinent in the cold war security alliances had drastically changed the objective situation for it reflected Pakistan’s desire to seek a military solution which was intolerable and a sign of bad faith according to Nehru.  

With time Nehru realized that Sheikh Abdullah remained an important political force. It was necessary to release him to restore public confidence and to reach a public accord over Kashmir. On 8 April 1964, the state government withdrew the Kashmir conspiracy case against Sheikh Abdullah and he was released. Sheikh

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Abdullah suggested a condominium of India and Pakistan over Kashmir. But Pakistani President Ayub Khan shot it down as an absurd proposal that would encourage the ‘forces of disintegration’. A unique opportunity which had three statesman Nehru in Delhi, Ayub Khan in Pakistan and Abdullah in Kashmir who could have solved the problem of Kashmir was lost with Nehru’s sudden death on 27 May 1964. Sheikh Abdullah was not accepting the existing constitutional relationship between J&K and India and insisted on intervention by Pakistan to guarantee Kashmir’s rights which was not acceptable to the state and central governments.

In late 1964, Articles 356 and 357 of the Indian constitution were extended to the State government vesting emergency powers in the President of India to take over the administration of the state in case of collapse of the constitutional machinery. Later the ruling National Conference was dissolved and replaced by the Congress. The J&K government led by Ghulam Mohammad Sadiq removed the only secular and possibly Pro-Indian platform and divided Kashmiri politics sharply into two camps. It left the people with the alternative to join either the plebiscite front (holding Kashmir’s accession to India temporary, or the Congress (widely perceived as an outsider or New Delhi’s agent), in the valley.

Sadiq’s rule and the central government’s short sighted policies of bull-dozing the constitutional and political integration of J&K with India increasingly shaped the political space necessary for healthy nurturing of the Kashmiri identity. The Kashmiri people, for various historical reasons, were used to a special status and reacted strongly against the central government’s attempt to erode its political autonomy. This

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52 The Times of India, 10 May 1964
was because, they were constantly exposed to the alternative of plebiscite and the emotive appeals of Sheikh Abdullah who had made tremendous sacrifices to secure their right of self determination.\textsuperscript{56}

The 1965 war between India and Pakistan and the Tashkent Agreement demonstrated the irrelevance of external forces in altering J&K's political status. It was a grave political miscalculation on Pakistan's part as it thought that Kashmiris would revolt against India. Instead, Kashmiris turned against Pakistani infiltrators and considerable animosity was observed against them in the valley. India won a partial victory because despite their resentment against India, Kashmiris were even less enthusiastic to embrace Pakistan.

Sadiq's government failed to gain popular support for Kashmir's constitutional and political integration with India. However, a shift in Sheikh Abdullah's position after his release in 1968 on Kashmiri's federal relationship with the centre and inter regional relations in J&K narrowed the differences. Sheikh Abdullah held two All-Kashmir state people's conventions – in October 1968 and June 1970 to ascertain the views of the people and political parties.

The 1971 war between India and Pakistan had serious repercussions for Kashmir. The Shimla Accord converted the ceasefire line into the line of control LoC, and both sides agreed to the clause. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. India insisted that Kashmir's future should be decided bilaterally and not under the United Nation's auspices. Sheikh Abdullah also abandoned the goal of seeking a sovereign and

independent state and said, 'our dispute with the government of India is not about accession, but it is about quantum of autonomy.'

With Abdullah's acceptance of Kashmir as a subset of the Indian nation, the two decade long tussle on differing views on Kashmiri identity finally ended and paved the way for reconciliation between Kashmir and Indian state. Abdullah signed an Agreement with Central government in February 1975, accepting that Kashmir was "a constituent unit of the union of India" and that "no law made by the legislative of the state of J&K, seeking to change the constitution of the state of J&K...shall to be effect unless the bill...received President's assent." Moreover Indian Parliament would "continue to have power to make laws relating to the prevention of activities directed towards disrupting the sovereignty of India..." Furthermore, Article 370 was kept alive. In the 1977 elections, the National Conference got an overwhelming majority with 42 seats while the Congress was able to secure only 10 seats (with none in the Kashmir valley). The Janata Party got 13 seats out of which two were from Kashmir valley. It is unanimously believed that the 1977 elections were the first fair elections in the state. Balraj Puri points out that free and fair election helped to initiate a natural process of integration of Jammu and Kashmir with India. Beginning with the democratization process in the mid-1970s, "there were ten years in J&K. with no fundamentalism, no secessionism and no

57 Ibid
59 The Times, 10 March 1972.
without problems during the period, the situation was at least manageable and for
some time democracy worked.\textsuperscript{61}

2.4 Phase III 1983-1996 - Rise of Kashmiri Identity

Farooq Abdullah succeeded, Sheikh Abdullah after his death in 1982. A year
later in 1983, Farooq Abdullah was the state elections. The electoral campaign
pursued by the National Conference during the 1983 election revolved around the
issue of Kashmir identity. Farooq Abdullah invoking the concept of Kashmiri
nationalism raised the demand for restoration of autonomy eroded during 1953-1975
period. The impact of identity politics pursued by his party was to be clearly seen in
the electoral verdict. It captured all but three sets in the region.

Farooq Abdullah by routing the popular discontent toward the electoral
channels, had helped mainstream the politics of discontent. This process was further
boosted when the National Conference entered the national politics and made a
common cause with other regional and national level opposition parties. It joined the
all-India alliance of anti-Congress parties and participated actively in its conclaves.
This was a good opportunity for changing the expression of Kashmir discontent,
shading its exclusivity and making it a part of shared national discontent.\textsuperscript{62}

The hallmark of the 1983 elections was communalization of the state’s
political process. All political parties like the Congress, National Conference and
Bharatiya Janata Party (BJP) restored religious appeals to engineer electoral

\textsuperscript{61} From the text of Kashmir accord, signed in Nov. 13, 1974 and announced in parliament on Feb 25,
University Press.

\textsuperscript{62} Chowdhary, Rekha and Nagendra Rao (2003), “Jammu And Kashmir: Political Alienation, Regional
Divergence And Communal Polarization” \textit{Journal Of Indian School Of Political Economy}, 15 (1): 190-
197.
majorities. In a bid to harness the majority of Jammu Hindus, Mrs. Gandhi conducted an aggressive campaign with a distinct pro-Hindu bias. The theme in Jammu was to persuade the residents that it was really a part of Hindu India and had therefore been neglected by Muslim Kashmir. On the other hand, Farooq Abdullah had aligned with Mirwaiz Farooq’s Awami Action Committee, which had Islamic leanings. Farooq Abdullah projected the elections as ‘a referendum on who should rule Jammu and Kashmir: its own people, or the rulers of New Delhi functioning under the garb of president’s rule.\(^{63}\)

The election results confirmed the regional and communal polarization of state politics. The National Conference won 38 seats in Kashmir valley, 7 in Jammu and 1 in Ladakh. All seats had a Muslim majority character. The Congress won 23 seats from the Jammu region, 2 from the valley and 1 from Ladakh. Out of the 26 Congress Candidates, only 5 were Muslims. Both parties were getting increasingly identified with particular regions and religious communities. Significantly, with the congress appropriation of the Hindu nationalist appeal and the National Conference’s alignment with the Islamic forces, both the BJP in Jammu and the Jamaat-I-Islam in the valley were wiped out.\(^{64}\)

A positive distinguishing feature of the elections was that plebiscite had become a non-issue and unlike the Sheikh’s threat of taking the issue outside India by talking of secession, Farooq’s strategy was to canvass support in other parts of India. Kashmiri people believed that the past was dead and they were participating in this election as Indians. Farooq Abdullah was dismissed as twelve members of his party defected to join the Awami National Conference (ANC). The Congress supported the

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\(^{64}\) Ibid.
minority government of ANC which composed of all the defecting members of National Conference.  

Farooq's arbitrary dismissal was the beginning of a new and much more volatile phase of Kashmiri's alienation. It shook their faith in the Indian state and rendered the electoral process meaningless and sent a signal that the mandate of the people could easily be set aside by the Central government. Sheikh Abdullah's dismissal signaled the message that even if the Kashmir people did not wish to remain with India, they would not be allowed to secede whereas the dismissal of Farooq conveyed the message that even if the people wished to remain within India, they would not be free to choose their government.

Unfortunately, the National conference could not sustain its anti-Congress politics for a long time. It was ultimately forced to enter into an alliance with the Congress in 1986. In the meanwhile, ANC failed to legitimize its government in Kashmir. The frequency of curfews imposed by the state administration was so high that G.M. Shah, the then Chief Minister, acquired the reputation of being the "Curfew Chief Minister". After a short time, he was dismissed and Governor's rule was imposed in the state.

Both these events, the dismissal of Farooq Abdullah from power in 1984 and his alliance with Congress in 1986 are crucial in the political history of Kashmir. Farooq's dismissal in 1984 had the impact of renewing the memories of Sheikh Abdullah's dismissal in 1983 and the Central intervention in the state politics in the post-1953 period.

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65 Ibid.
66 Ibid.
67 India Today, New Delhi. 15 June 1983
The 1986 alliance between the National Conference and the Congress thus paved the way for the re-entry of Farooq Abdullah as the Chief Minister of the state and the head of NC-congress coalition government. One immediate fall out was the setback to the political image of the National Conference. Rather than a party struggling to restore the political status of the Kashmiris, it was now perceived as the party responsible for undermining their political dignity. Such popular response had the effect of not only impairing the political fortunes of the party but also of creating a political vacuum in the valley. This political vacuum was sought to be filled by the extremists of all kinds. The political forces like the Jamat-e-Islami that existed on the political periphery till now, sought to occupy the central political space.69

2.4.1 1987 State Elections: Blatant Rigging

The 1987 assembly election, which resulted in massive victory for the NC-Congress combine, was perceived to be widely manipulated. This alliance captured as many as 38 out of the 42 Assembly seats in the valley; the Muslim United Front bagged only 4 seats while the People’s Conference could not win any seat. The rigged elections of 1987 blocked democratic outlet of discontent also.

The defeated candidates of 1987 elections formed the nucleus of the militant movement. The 1987 election results were controversial and the NC-Congress alliance got a very narrow victory in as many as eleven constituencies in the Kashmir region. In all these constituencies a significantly large number of votes were rejected. These elections reinforced the prevalent feeling that Kashmiris would never get a fair deal through democratic means. The Muslim United Front (MUF) and other

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69 Ibid
opposition leaders did not accept the election results and withdrew from politics to join the secessionist and separatist forces. Farooq Abdullah, who came to power in J&K after the 1987 elections, reframed his doctrine on Kashmir's relation with the centre by declaring his loyalty to any party that came to power in New Delhi. Changing loyalties eroded the popular support and credibility of Farooq Abdullah and his party in the state particularly after his alliance with the BJP.

Elections were not fought on the issue of the government's performance but on emotive issues like Kashmiri identity, Muslim solidarity, settlement of Kashmir question etc. Consequently there developed a general sense of disillusionment not merely with electoral politics but with the entire framework of democratic structure. The political life in the valley, in the post-electoral period was paralyzed by mass protests from the people. By early 1989 these demonstrations, attracting large number of people had become more focused towards the demand for ‘Azadi’.

2.5 Rise of Insurgency in Jammu and Kashmir

It was in this environment of mass discontent that the impact of militancy started being felt. By August 1989, the spate of killings and kidnappings had increased. The ruling power elite were targeted. So intense was the pressure built by the militant groups like Hizbollah, Hizbul Mujahideen and JKLF that the political process had to be suspended in early 1990. Not only did Farooq Abdullah resign form power but the legislative assembly was also suspended. Finding it difficult to operate in this environment, political parties also suspended their activities in the valley. For the next six years no political activity could take place due to the rise of insurgency.

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70 Puri, Balraj (1993), Kashmir: Towards Insurgency, New Delhi: Orient Longman, p. 34. The term ‘azadi’ refers to complete independence of Kashmir from both India as well as Pakistan.
By mid 1990 with Jammu Kashmir Liberation Front (JKLF) and other militant organizations were grown. It was in this situation of intense militant activity and fundamentalism that the minority of Kashmiri Pandits migrated from the valley to Jammu and other parts of India. All this led to the total political vacuum in the valley in the Post 1990 period. In 1993, All Party Hurriyat Conference (APHC) was formed. This organization was an amalgam of various militant and separatists groups.\(^{71}\)

Despite these problems,\(^{72}\) the level of political participation during the parliamentary election that took place in 1996 was quite substantial. The parliamentary elections set the base for the assembly elections. Despite of the fact that 1996 elections could not restore the credibility of democratic politics as separatist forces remained vibrant still it provided some semblance of political order and gave an opportunity for restoration of mediated politics. NC contested the election on the plank of Autonomy. NC won the elections with 57 seats, but because of continuation of armed militancy and violence, mainstream political processes could not be fully established. Congress and BJP were left far behind with 7 and 8 seats respectively. A greater space emerged for the BJP who was the direct beneficiary of communal polarization in the state.

**Role Of Socio-Economic Factors In The Decline Of Democracy**

Besides political factors socio-economic factors have also aggravated the situation. Unemployment, corruption, economic stagnation have made the youth disenchanted with the Government and the system. Commercially the state continues to be backward. There is no large scale industry as such and in-spite of hydro-electric

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\(^{71}\) Ibid

\(^{72}\) Several media reports drew attention to massive booth capturing by the party workers, November citizens were not allowed to vote. Inderjit Bandwar (1987), "Jammu and Kashmir: A Tarnished Triumph", *India Today*, 15 April: pp. 76-78.
potential in the state power shortage is an acute problem especially in winters. State has many unemployed people due to lack of industrialization which led the dissent youth towards the path of secession. A key component of the National Conference’s post-independence agenda was the re-distribution of land held by large landlords to cultivators. Some two lakh peasants were given property rights over their lands. The exemption of urban bourgeoisie and petty bourgeoisie from the reform process created two near distinct economies: the reform economy of small peasants and the non-reform economy of artisans and small businessmen. There is some evidence that this non-reform sector was in distress in the early 1980’s when the first generation leadership of the terrorist groups were formed out of this. Much of the first generation leadership of the terrorist groups like Zargar, JKLF’s chief Yasin Malik, his aid Javed Mir, Syed Salahuddin came from the non-reform sector. Socio-economic grievances of the Kashmiri’s have also resulted in the rise of insurgency in the state which in turn has aggravated the discontent prevailing in the state. So there is a need of private sector to play a role in the development of the state. Tourism, leather and horticulture industries should be given a boost to flourish. Employment generated industries should be installed to divert the dissent youth from the path of secession.

2.6 Conclusion

In this chapter I examined the role of Kashmir issue in the nation-building process in post-independent years. Keeping a historical perspective I began with the local developments within Kashmir and then located the events that took the issue to the international level. Navnita Chadha Behera rightly mentions that, for the central

government, Indian national interests were more important than instituting federal and
democratic political structures. Their priorities for constitutional and political
integration of the Indian state, often through coercive means, tended to defeat the
larger objective of achieving the emotional integration of the Kashmiris with the rest
of the India.74

Besides a substantial proportion of central and of the state’s economic
development was misappropriated by the ruling elite in Srinagar. Denied political
rights and deprived of a due share in center aided and state sponsored economic
development, the Kashmiris were gradually alienated from the center. Their
disillusionment with the center for constantly eroding Kashmiri’s autonomy lured
them towards Abdullah’s demand for self determination, and made the idea of an
independent Kashmir as an attractive political option.75

However despite the contested legitimacy of the mainstream electoral and
other political processes, sufficient political ground was gained in the post-1996
period to establish political institutions.

124.
75 Ibid