CHAPTER-III

PROCESS OF INTEGRATION FROM 1953 TO 1963

After the dismissal and imprisonment of the Sheikh Abdullah, the Prime Minister of the state on 9th August, 1953 Sadar-i-Riyasat, Karan Singh invited Bakshi Ghulam Mohammad to form the new Government. He wrote in a letter to Bakshi Ghulam Mohammad on 9th August, 1953, “I have just dissolved the cabinet which functioned till today and have relieved it of the powers and functions of civil administration of the state...... In the task of forming a new ministry, I have decided to seek your aid and advice”. On the same day Bakshi Ghulam Mohammad replied in a letter to Sadar-i-Riyasat, “I am highly grateful to you for the trust you have reposed in me..... In accepting your kind invitation, I am solely guided by a sense of duty to my country and its people and I shall try to the best of my ability to fulfil the responsibilities which you proposed to entrust to me.”

Accordingly Bakshi Ghulam Mohammad was sworn in as new Prime Minister of the state on 10th August, 1953. On the same day in evening, the new Prime Minister in his speech, broadcast over Radio Kashmir, Srinagar, explained the circumstances which pointed out chaotic conditions coupled with the sense of maintaining the unity and integrity of the country that impelled him to take up the new responsibility. He said: “As you are aware, during the last few months, the entire state had been forced into a grave political and economic crisis, which threatened to disintegrate it and disrupt the unity of its people.”

Bakshi Ghulam Mohammad referred to the ideals and principles that had kept them together, but were now repudiated by some colleagues who aimed at destroying the democratic fabric in the state. He further said, “It has been a very painful decision for us to part from our erstwhile colleagues with whom we fought shoulder to shoulder for the freedom and honour of the country. But when the fate of millions is at stake, personal relations and affections have to be subordinated to the paramount interests of the country. In the course of our joint struggle for liberty what kept us together was the community of ideals and principles. These principles formed the bedrock of the democratic movement in our state. But of late, we were extremely shocked and grieved to see that our former colleagues were not only repudiating these vital principles but were attempting to destroy all vestiges of democratic
functioning in all spheres of administration and organisation in all spheres of administration and organisation.”

Alluding to Sheikh Abdullah’s actions, utterances and attempts to create ‘Independent Kashmir’ with the support of foreign powers, Bakshi Ghulam Mohammad said: “Certain recent developments have made it possible for disruptive forces to make desperate attempts at the disintegration of the state. The activities and utterances of some of our erstwhile colleagues make it clear that they have been thinking in terms of carving out a portion of the state from the wreckage as an independent state. These moves have naturally the connivance and support of interested foreign powers that have all along been resisting the exercise of the right of the people of the state to freedom and self determination. The present situation threatens to open up explosive possibilities for the future of the people of Jammu and Kashmir unless the designs of these forces and their foreign supporters are failed in time. There are elements at work for the merger of the state with Pakistan or India and in the midst of ensuing confusion, some opportunist elements are dangling the alluring picture of an ‘Independent state’ before the people.”

While justifying the accession of the state to the Indian Union in his policy speech, he said: “Any attempt to secure the merger of the state with Pakistan will result in its dissolution as an entity and the idea of an independent position carries with it deep implications of political and economic dependence on foreign charity. The slogan of ‘Independence’ is highly misleading and there should be no doubt as to the motive of sponsoring such an idea in the context of international developments in Asia and other parts of the world. Also ‘independent’ Jammu and Kashmir under the influence of an imperialist power will be a grave threat to freedom and independence of Indian and Pakistani people. In view of the geographical position of the state, such independence is bound to involve us in a bitter and violent international controversy and another Korea may be staged here as a result of the armed conflict between interested powers.” Bakshi Ghulam Mohammad emphasised the need to implement the Delhi Agreement-tasks which the previous government had taken up half heartedly and had left unfulfilled. Also he wanted to develop a suitable Constitutional pattern incorporating democratic traditions.

The appointment of Bakshi Ghulam Mohammad as Prime Minister was made subject to his securing vote of confidence from the legislature. On 5th October, 1953,
Bakshi Ghulam Mohammad obtained vote of confidence from the state legislative Assembly. The House approved unanimously the confidence motion and expressed \textit{“Complete faith in the new Ministry”} and hailed the timely action of Sadar-i- Riyasat in dismissing of Sheikh Abdullah.\textsuperscript{9} Introducing the motion Bakshi Ghulam Mohammad stressed the importance of Jammu and Kashmir’s fraternal ties with India and said that an honourable position had been secured for the state under the Constitution of India. The Indian Constitution had fully preserved our autonomous position and assured us of the fullest support and assistance for our development. Also the right of self determination of its people was fully guarded by the Indian Constitution.

In exercise of this right, the Constituent Assembly came into being to evolve the future Constitutional shape and structure of the state. Having been provided with opportunities for self fulfillment and the realisation of our social and economic objectives, the government of the state should have been able to afford substantial relief to the people so as to raise their standard of living to a decent level. The government and the people of India guaranteed a special constitutional position to our state and our wishes in all matters affecting the state were always scrupulously respected when we adopted certain decisions with regard to such fundamental problems as land reforms, adoption of the state flag, the abolition of monarchy etc. Our right to do so was not questioned although such radical and far reaching changes involved adjustments in the Indian Constitution itself. This spirit of accommodation and sympathy for our legitimate and democratic aspirations shown by the people of India is an abiding proof of the fruitfulness of our association with the union.\textsuperscript{10}

Thus the advent of Bakshi Ghulam Mohammad as Prime Minister was a welcome step as it was going to improve the ties between the state and the Indian Union. Bakshi, while making known to the people of the state the circumstances under which he joined and also made clear the policy he was going to follow.

Bakshi Ghulam Mohammad was born in 1907.\textsuperscript{11} He received his political baptism in the early twenties when he was arrested for raising the slogan of \textit{“Boycott all foreign goods”} in the state in response to the call of the Indian National Congress. He started his career as a school teacher and latter employed by the \textit{“All India Spinners Association”}. Here he had an opportunity of coming in contact with some of the close associates of Mahatama Gandhi and having a thorough understanding of the
‘Swadeshi Movement’. After joining Khadi Bhandar, he was called “Gulla Gandhi”. In 1931 he threw himself wholeheartedly into the national struggle and had to suffer in the repression which followed. He was a strong Nationalist Indian. In the first popular government by Sheikh Abdullah, Bakshi Ghulam Mohammad occupied the position of Deputy Prime Minister.

In the Legislative Assembly on 5th October, 1953 Bakshi Ghulam Mohammad explained the crisis developed in the National Conference. He said, “The majority of the members of National Conference, while advocating a strict adherence to the basic policies of the organisation sought to focus attention on the need for bold measures of reform and remedy. A small section in the working committee resisted this correct approach to the solution of the problems facing the country and with a view to maintaining their position and prestige took a stand which was fundamentally opposed to the ideals and principles of the national Conference. They did not merely seek to repudiate all that they had stood for but went to the length of openly advocating positive alternatives for the creation of an ‘independent valley’ of Kashmir from the debris of a state shattered to pieces. The crisis came to a head when the resignation of one of the cabinet colleagues was demanded to the amazement of everyone. The motive behind this unwarranted and uncalled for action was to reduce the majority of their opponents. What political pressure and persuasion had not achieved for them was sought by backdoor and dubious methods”.

He further stated: “So we decided to part from our colleagues as their approach and attitude was clearly inimical to the freedom and progress of the state. Accordingly we sent a memorandum to the Prime Minister Sheikh Abdullah, drawing his attention to the conditions which had come about as a result of the major differences in our respective points of view. We conveyed our considered opinion that under these conditions the government as constituted then could not be efficient or effective in handling the affairs of the state”.

Also at this stage, the Sadar-i-Riyasat intervened and asked the Prime Minister to bring about harmony and unity in his Government and for this purpose he suggested a meeting of his colleagues at his residence, but the Prime Minister clearly evaded the issue and declined to accept the advice of the Sadar-i-Riyasat. As head of the state, it devolved upon the Sadar-i-Riyasat to act in accordance with the requirements of the Constitution and the House can well appreciate his
responsibilities in this behalf. He was anxious that peace and security of the citizens should not be disturbed. Therefore, Sadar-i-Riyasat dissolved the Council of Ministers.  

While supporting the confidence motion, a member of the house, Chuni Lal Kotwal said, “......It was the National Conference organisation which forged the state’s relationship with India, and in this the organisation commands the support of the people of the state. The bonds of relationship established with India are therefore, irrevocable. The people did not like even the slightest gesture of opposition to this relationship on the part of our erstwhile leaders. These leaders were playing to the tunes of the imperialist agents present in the state”.  

Another member of the House Moulvi Mohammad Anwar Mausoodi supported the motion of Confidence by explaining the help rendered by Indian leadership during the freedom struggle in Jammu and Kashmir. He said, “Sometimes it is being argued that India will overlook our interests leaving aside the help rendered to us during the last six years, may I refer to the help and sympathy shown to us by the Indian National Congress when India herself was a slave of the British. It would be sheer ingratitude to forget those events when Pandit Jawahar Lal Nehru had risked his life. His arrival in Garhi during the ‘Quit Kashmir’ movement, Maharaj Kishen’s march at the head of the army to fight Pandit ji’s attempts to ban his entry at the point of bayonet etc. I am strongly of the opinion that if the people of Jammu and Kashmir forget the sympathy and support they received from India from 1931 to the present day, the future of Kashmir is bound to lapse into darkness and degeneration for centuries to come”.  

Similarly, Mr Kaushak Bakola supported the views expressed by the Hon’ble members and said, “Ladakh is a backward area and all the demands we made on behalf of the people of this area during the last six years were not heeded by the previous government. During the tribal raids, Pakistani looters demolished many Gumphas in the Zanskar and Layan areas. On their way back, the invaders looted the people and carried with them cattle and other booty. We made several requests to the previous government that some aid be given to the people of these areas and some money be advanced for the reconstruction of the Gumphas. But no heed was paid to our requests. We had suggested that the land revenue be realised, not in kind, but in cash and that in educational institutions of Ladakh, Ladakhi be made the medium of
instruction in primary classes. We had also suggested that Bodhi be taught up to the tenth class and examinations conducted properly to test the ability of students in that language. Five years have elapsed but no measures were adopted in this behalf. We demanded that canals be dug out at suitable places in Ladakh and in view of the difficulties in communication experienced by the people, a jeep road be constructed. But the previous Government did not at all consider these demands of the people. After our freedom from 120 year old Dogra slavery we demanded the right to self determination on the lines indicated in the ‘Naya Kashmir’. In support of this demand the people of Ladakh held meetings and took out processions. Even then the previous Government overlooked this genuine demand of the people of Ladakh”.

Further the representatives of Ladakh said. “Bakshi Sahib is a popular leader and he is in favour of Kashmir’s accession to India. We are sure that internal autonomy will be granted to Ladakh during the regime of Bakshi Saheb”.

While supporting the Confidence motion Sardar Kulbir Singh said: “Two years ago when the Constituent Assembly was established and met for its first session, a policy statement about the future of the state was drawn up which reflected the urges and aspirations of the people living in different parts of the state. The statement was placed before the house by the former Prime Minister. It was discussed threadbare by the Hon’ble members of the House and was finally adopted.....The House had adopted the policy after assuming the three alternatives upon before it i.e. Accession to India or Pakistan or Independence. So far as accession to Pakistan was concerned, it was ruled out by the House after considerable deliberation. Sheikh Abdullah gave some irrefutable reasons against independence.” He further said: “In considering independence we must not ignore practical considerations. First, it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Secondly, we must have the good will of all our neighbours. Can we find powerful guarantors among them to pull together always in assuring us freedom from aggression. I would like to remind you that from 15th August to 22nd October, 1947 our state had been independent and the result was that our weakness was exploited by the neighbour with whom we had a valid standstill agreement. The state was invaded and what is the guarantee that in future too we may not be victims of a similar aggression”.
Thus, Bakshi Ghulam Mohammad got a vote of confidence in the Constituent Assembly on 5th October, 1953. His cabinet included Pandit Sham Lal Saraf, Syed Mir Qasim, D.P. Dhar, Gulam Rasool Renzu, Ghulam Mohammad Sadiq and Head Lama of Ladakh, Kushak Bakula.23


The fall of Sheikh Mohammad Abdullah was generally hailed by the leaders of different political parties in India. They welcomed the action of Sadar-i-Riyasat and expressed support in favour of the new Prime Minister Bakshi Ghulam Mohammad. It showed the nation’s alertness to the affairs of Jammu and Kashmir and deep interest therein.24 According to Acharya Kripalani, “This action will clear the atmosphere and will guarantee to Jammu and Kashmir an honest, efficient and progressive administration.”25

In this context, the Indian Prime Minister Jawahar Lal Nehru on 10th August, 1953 told Lok Sabha: “Not only this house but the country at large must have viewed these developments with anxious concern. The state of Jammu and Kashmir has been to us not merely a piece of territory which acceded to India in 1947, but a symbol representing certain ideals and principles for which our national movement has always stood and which have been enshrined in our Constitution. It was community of these ideals and Principles which brought the state in a moment of grave crisis, in October, 1947, into the larger family of India. But even before that constitutional development took place, devotion to these ideals and to certain common purposes had brought the national movement of the Jammu and Kashmir state in line with the struggle for freedom that inspired our people. In the Jammu and Kashmir state, it was the National Conference which represented this struggle and spoke on behalf of the masses of the people there. The association of the state with India, therefore, had a deeper significance than even the constitutional link that was built up.”26

In support of new government in Jammu and Kashmir, Jawaharlal Nehru told in the Lok Sabha on 17th September, 1953: “Land reforms in Jammu and Kashmir were good but the manner of giving effect to them was not good. First the full consequences were not thought of and secondly in the actual implementation, as it appears from subsequent reports, a great deal of injustice was done. I refer to this merely to show that a large number of factors produced a feeling of grave economic
discontent among the people there. Later the Wazir committee brings out how the land problem was not properly dealt with and shows the discontent that arose after hopes had gone up very high among the peasantry and others. There were other matters like the failure of cooperatives. As a result of all this, grave disputes arose within the Government of Jammu and Kashmir and within the party, the National Conference from where the government draws its sanction.” He further explained the rift in the main ruling political party of the state, the National Conference. He said: “During my visit of Jammu and Kashmir by the end of May, 1953, I was greatly distressed to see this, because I noticed that gradually the government of Jammu and Kashmir had ceased to function. It could not function because of internal conflicts. Naturally, in a friendly way, I advised them to pull together, to lay down a definite policy and carry it out as a government and not pull in two or three directions.”

Further Jawaharlal Nehru showed his dissatisfaction over the implementation of the Delhi Agreement of 1952. He said: “The other thing which gave me a good deal of respite was the fact that over a year ago we had arrived at some kind of an agreement with the Jammu and Kashmir Government which the house knows well. This House approved of it. It was a very small part given effect to and the rest remained in cold storage. I could very well understand certain difficulties which perhaps, the house does not appreciate. I could not therefore, have minded if there was some delay. This delay was largely caused by certain events in Jammu which suddenly accentuated a peculiar situation and produced its reaction in the Jammu and Kashmir valley. Further those who were not friends of ours or friends of the Jammu and Kashmir government; exploited this position fully. This created another serious complication and delayed the implementation of the agreement.”

On the other side, Sheikh Abdullah himself thereafter described his dismissal and arrest as a conspiracy hatched against him by Bakshi Ghulam Mohammad and Maulana Mohammed Syed Masoodi in collaboration with government of India. But Maulana Masoodi29 refuted the allegation of the Sheikh Abdullah and said that various factors, including Sheikh Abdullah’s determination to reopen certain settled basic questions on majority opinion in the party and the government at that time contributed to his ouster from power.

Regarding this Mirza Afzal Beg rightly observes, “It was not a conspiracy to stab anybody in 1953, but a political stand.” Change of government in Jammu and
Kashmir had its impact not only on relations between India and the state but it had also its impact on Indo-Pak relations. Pakistan newspaper ‘Dawn’ described it as a “Challenge to Pakistan.” In an editorial it said, “We strongly urge our Prime Minister to consider the situation seriously in the light of the new developments.” So Indo-Pak meeting was held in Delhi from 16th -20th August, 1953 in which Prime Minister of Pakistan, Mohammad Ali and Indian Prime Minister, Jawahar lal Nehru, were actuated by a firm resolve to settle the Jammu and Kashmir dispute in accordance with the wishes of the people of the state with a view to promote their well being and causing the least disturbance to the life of the people of the state. The most feasible method of ascertaining the wishes of the people was by a fair and impartial plebiscite which had been proposed and agreed in 1947. It was decided that the plebiscite administrator should be appointed by the end of April, 1954 and before that some preliminary issues should be decided.

This news of conducting a plebiscite evoked a sharp reaction from Bakshi Ghulam Mohammad. He wrote a highly emotional letter of resignation and sent it to Sadar-i-Riyasat, Karan Singh who in turn did not take any action and conveyed it to Delhi. Therefore, Jawahar lal Nehru deputed Ajit Prasad Jain and Vishnu Sahay to Srinagar to explain the position to Prime Minister Bakshi Ghulam Mohammad. On 20th August, 1953 they met at Karan Mahal where Bakshi Ghulam Mohammad was still in a state of shock and ready to resign. When Jawahar lal Nehru was informed of Bakshi’s resignation he lost his temper and spoke of this angrily ‘ridiculous non sense’. Anyhow Bakshi Ghulam Mohammad was finally persuaded not to press his resignation. This was one of the reasons which caused Jawahar lal Nehru to move away from the Plebiscites idea. Another reason was the military assistance to Pakistan by the United States of America, which became apparent towards the end of 1953. Therefore, one condition Jawahar lal Nehru placed was that the American United Nations nominee Admiral Nimitz be replaced as plebiscite administrator by someone from a smaller country.

There were outbursts of anger among the people in valley following Sheikh Abdullah’s arrest. Hundreds of Sheikh Abdullah’s party men were arrested and detained in prison. But very soon the people realised the pernicious implications of the ‘independent state’ and life returned to normal throughout the state. It was the strength of political consistency and conviction as also boldness of Bakshi Ghulam
Mohammad that he dared to replace Sheikh Abdullah during those days of turmoil and tormentation. The Bakshi Ghulam Mohammad had asserted fully. Nobody dared to raise any slogan in favour of Pakistan or independent Jammu and Kashmir, nor any voice against India or Jammu and Kashmir’s accession to India was heard anywhere. He had set up a special wing of police known as special staff headed by Senior Superintendent of Police Ghulam Qadir Ganderbali with special powers. Ganderbali proved a terror, particularly against anti India elements they would frighten even on hearing his name. Ganderbali was out and out for India, a fanatic Indian in the sense that no anti- Indian could feel secure if he indulged in or venture to continue his anti India activities or utterances.

In the regime of Bakshi Ghulam Mohammad, no law and order problem was experienced. He was able to overcome situations posing threat to his government or hurling challenge to the “Accession”. Without much difficulty peace prevailed throughout the state during his rule. Bakshi Ghulam Mohammad had set up peace brigade, to supplement police organisation. But it was meant mainly for political purposes. It served as a volunteer force in civil clothes to help his party. The work and actions of the brigade were to aid the ruling National Conference or government, to hold and conduct any public function or meeting.

When Bakshi Ghulam Mohammad got a vote of confidence in state legislature on 5th October, 1953, a new phase of Constitutional relationship commenced between the state and Indian Union. The Constituent Assembly started its work a fresh. The process of Constitution making was expedited. On 20th October, 1953 the Jammu and Kashmir Constituent Assembly set up two committees namely, Fundamental Rights Committee and Drafting Committee to finalise the Draft Constitution. The Constituent Assembly met on 6th February, 1954 and adopted the report of Basic Principles Committee and Advisory Committee on Fundamental Rights thereby fulfilling one of the major task i.e. Accession of the state to India with which it has been charged. The report of the Basic Principles Committee laid emphasis on the following: “The state’s accession to the union entails certain responsibilities on the centre for protecting the interests of the state and also for its social and economic development. In order to enable the centre to discharge its responsibilities which devolve upon it under the constitution, those provisions of the constitution of India which may be necessary for this purpose should be made applicable to the state in an
appropriate manner while preserving the internal autonomy of the state, all the obligations which flow from the fact of accession and also its elaborations as contained in the Delhi Agreement should find an appropriate place in the constitution. The committee is of the opinion that it is high time that finality in this respect should be reached and the relationship of the state with the union should be expressed in clear and precise terms.”

The Basic principles Committee report recommended that the state would comprise such territories as formed part of the state on 15th August, 1947, while retaining the autonomous character, the state would remain acceded to India; an elected head of the state was to remain operative; the drafting committee should put forward proposals defining the sphere of the union government’s jurisdiction in the state; sovereignty vested in people to be exercised by the agents of the state except in regard to matters added to the union government. Other recommendations were related to the legislature, the high courts, the public service commission and amendment of the State Constitution. The committee also recommended that a directive be issued to the drafting committee of the constitution to further define the sphere of union jurisdiction in the state suggesting additions, modifications and amendments in the constitution (Application to Jammu and Kashmir) order, 1950 to suit the requirements of the state.

The Advisory Committee on Fundamental Rights and the citizenship recommended to the Drafting committee that the Fundamental Rights of the Indian Constitution should be made applicable to Jammu and Kashmir with suitable modifications. The Constituent Assembly of Jammu and Kashmir unanimously adopted the reports of the Basic principles committee and the Advisory Committee on Fundamental Rights and citizenship on 6th February, 1954. These reports were presented jointly to the Constituent Assembly. The ratification of the state’s accession to India was a logical culmination of the process of consolidation of Indo-J&K relationship. This decision was widely acclaimed in all parts of the state as banishing for all times to come the sense of uncertainty in regard to this vital decision.

Syed Mir Qasim presented to the Constituent Assembly the Report of the Drafting Committee on 11th February, 1954. The annexure to the report indicated “in detail provisions of the constitution of India which generally correspond to Defence, Foreign Affairs and Communications and such other matters as are considered
essential concomitants of the fact of accession.” The report of the Drafting Committee was unanimously adopted by the Constituent Assembly on 15th February, 1954 and proposals contained therein were submitted to Government of India through the state government for further appropriate action. The drafting Committee in its report defined the nature and extent of the jurisdiction of the Indian Union in relation to the state of Jammu and Kashmir.44

During the debate in the state Constituent Assembly on the recommendations of the Drafting Committee in February, 1954, one member of the constituent Assembly Ghulam Mohiuddin Hamdani said, “The jurisdiction of the Supreme Court to the state of Jammu and Kashmir would be in respect of cases filed by the individuals. For example, a sessions court awards a sentence of life imprisonment to criminal and the criminal feeling aggrieved prefers an appeal to the High Court which subsequently awards death sentence to the criminal. The only course left for the criminal was to move the Supreme Court in this matter.”45

Expressing his approval of proposal for the jurisdiction of the Supreme Court, Fundamental Rights and Citizenship, Bakshi Ghulam Mohammad said, “So far as the fundamental rights are concerned, I may submit that only recognition of these rights will serve no purpose unless it is guaranteed that whatever rights are recognised shall be enforced. It was therefore essential that the Supreme Court must have jurisdiction in the enforcement of these rights.”46

Syed Mir Qasim while speaking on the draft said, “We had recommended the application of all provisions which were necessary to define the relation of the state with the centre.”47 Under the Prime Ministership of Sheikh Abdullah the state government was dragging its feet on the implementation of the Delhi Agreement except in those areas where it suited them. Bakshi Ghulam Mohammad clearly declared in the Constituent Assembly of Jammu and Kashmir that the agreement would be implemented in its entirety.48 On 6th February, 1954 Jammu and Kashmir Constituent Assembly approved the implementation of Delhi Agreement of 1952.49 On Baisakhi day, 13th April, 1954, another step was taken to strengthen the links between the state and the rest of India by abolishing the customs duties on goods entering the state, which immediately had the beneficial effect of lowering prices of essential commodities50 and help industrial development in the state. In the same month, the President of India, Dr. Rajendra Prasad paid an official visit to Jammu and
Kashmir and inaugurated the Jammu and Kashmir state forces war memorial hall in the Jammu cantonment at Satwari. Here he declared that, “History and mutual understanding had cemented the ancient ties between Jammu and Kashmir and India to such an extent that any break in the relationship was inconceivable”.

The process of integration between Jammu and Kashmir and Indian Union began gathering momentum now. After the approval of the Constituent Assembly of Jammu and Kashmir the President of India on 14th May, 1954, promulgated an order extending various articles of the Indian Constitution to the state as requested by the State government. This Constitution (Application to Jammu and Kashmir) Order, 1954 superseded the Constitution (Application to Jammu and Kashmir) Order, 1950 and has been treated as the parent order to which subsequently amendments were made by the orders of the President issued under Article 370 of the Constitution of India. This order implemented the Delhi Agreement as ratified by the Constituent Assembly of the state. This order has been modified and amended from time to time. It regulates the Constitutional position of the state of Jammu and Kashmir vis-a-vis Indian Union. This order contains the provision of the Indian Constitution pertaining to matters specified in the Instrument of Accession and also many other provisions relating to several other matters not specified in the Instrument which apply to the state. This order settled the entire Constitutional position of the state within the frame work of the constitution of India, excepting only the internal Constitution of the state government which was to be framed by the Constituent Assembly of the state.

The following subjects came to be applied either wholly or partly or with modification to the state of Jammu and Kashmir under the new Order:

(i) The Union and its territory;
(ii) Citizenship;
(iii) Fundamental Rights;
(iv) The Executive, the President, the Vice President, Parliament and the Union Judiciary;
(v) Relations between the union and the states;
(vi) Finance, property, contracts and suit;
(vii) Trade, Commerce and intercourse within the territory of India;
Services under the union and the states;

Elections;

Special provisions relating the certain classes;

Official language;

Emergency provisions;

Miscellaneous;

Amendment of the Constitution;

Temporary, Transitional and Special provisions and

All the Schedules except Schedule V and Schedule VI.\(^{55}\)

This Presidential order of 1954 was thus generally received with a sense of relief in Parliament and political circles of India. Even Jana Sangh which had campaigned against the special status of the state welcomed it thus marking “a distinct advance in the existing position” and as a step advanced towards “determination of the relationship of the state with the Central Government.”\(^{56}\)

However, the order of 1954 provoked a strong protest from Pakistan who challenged India’s right to issue it. Though Presidential order of 1954 did not radically alter Centre-State Constitutional relations as envisaged in Delhi Agreement, it was a fore runner of the process of further constitutional integration of the state with the Indian Union. Thirty seven Constitution (Application to Jammu and Kashmir) orders were issued by the President from 1954 to 1977 to amend his order of 1954, of course, on the recommendations of the State Assembly. Each order extended more provisions of the Indian Constitution to the state. All these measures to the state were hailed by the central and the state governments as step towards further integration of the state with country.\(^{57}\) Therefore, it was only after the exit of Sheikh Abdullah that a new chapter of gradual integration of the state, beyond the terms of Instrument of Accession, was started. His successor, Bakshi Ghulam Mohammad throughout his tenure often repeated slogan of “irrevocable accession” created a sufficient patriotic halo in India.\(^{58}\) Thus Bakshi Ghulam Mohammad became instrumental in confirming the legality of the accession through the Constituent Assembly in February, 1954 but not without adhering to the special status of the state.\(^{59}\)
The new cabinet of Bakshi Ghulam Mohammad worked out a series of economic and administrative measures to help counter the political reaction to Sheikh Abdullah’s ouster. The Jammu and Kashmir state was set on the road to progress and prosperity by the active and energetic measures adopted by the Bakshi’s government. In the sphere of public instruction, the government had provided free and universal education throughout the state from the primary level up to the graduate level. A network of educational institutions had been laid out in all parts of the state. The government had made special efforts to extend educational facilities to students coming from backward and far flung areas of the state. Mobile schools were started for the benefit of nomadic people like Gujjars and Bakerwals.

Bakshi Ghulam Mohammad’s government implemented basic education scheme in the state under which 50 existing primary schools were converted into basic activity schools by 1957. A refresher course of 150 teachers was conducted in order to acquaint them with the new trends in the basic education system. Services of 3 expert teachers in basic education were borrowed from Bihar. Besides, this the Principals of basic training colleges of Jamia Millia and Lucknow were invited to conduct the refresher course of the inspecting staff and of the headmaster of teachers training schools. The students of schools and colleges were encouraged to participate in the junior Red Cross movement started at the close of the year 1953. A refresher course of junior Red Cross councillors was held in Srinagar on 8th June, 1955. Teachers from various schools received training in Red Cross work. This measure was taken in order to promote social welfare activities among the students and teachers of the state.

The state expenditure on education had nearly tripled since 1947-48. Not even the remotest village remains unaffected and as the lava of learning spread to the farthest corners, a great awakening can be foreseen with transforming effects. The thirst for knowledge had reached the mountain tops and penetrated the forests, the shepherds and the nomads now claiming the citizen’s right to education. But the benefits of literacy were not the sole prerogative of the boys but also of the girls. The great forwards step in Jammu and Kashmir was the abolition of all educational fees. Loans free of interest were available to the students for technical education outside the state, with seats reserved by the Government of India and few were aided to study abroad in the United Kingdom and United States of America.
During Bakshi Ghukam Mohammad’s regime Harijans who form nearly one fourth of the population of Jammu province, about 10 lakhs, were given a new deal. Besides scholarship, children of Harijan and backward families were given free books and hostel accommodation right up to the degree course.\(^{67}\) For the first time in the history of Jammu and Kashmir the Gujjars and Bakerwals were given mobile schools and veterinary dispensaries.\(^{68}\) The boom would not have been possible without political.

**National Extension Service**

Bakshi Ghulam Mohammad reorganised and expanded the Rural Development Department. The panchayats which remained a dead institution in past had been made effective spearheads of rural welfare. The people of Jammu and Kashmir donated land for the setting up of community centres, reading rooms, adult education centres, parks and playgrounds.\(^{69}\) The National Extension Service blocks had been allotted for the state under the All India Programme of the National Extension Services. These National Extension Service Blocks were opened in the ten tehsils of Jammu and Kashmir namely Anantnag, Pulwama, Kulgam, Srinagar, Budgam, Ganderbal, Baramula, Handwara, Sopore and Uri. The workers received preliminary training for several works before they set down to work. The NES blocks were in full swing in Jammu and Kashmir.\(^{70}\) The villagers were supplied with chemical fertilisers, better seeds, fruit trees etc for extensive cultivation.

Animal Husbandry which is an important aspect of rural economy was pushed up. A large number of breeding centres were started. Pedigree bulls and birds were supplied in the blocks and several poultry farms had been set up. In the Budgam block, six cattle breeding centres had been opened and a cattle-cum-sheep and goat farm was set up at Leh. Stud bulls, stallions and marino rams were imported from outside. 288 Pashmina goats were imported from a Tibetan illaqa and distributed on loan among the goat rearers in Leh block.\(^{71}\)

The number of cooperative societies increased with corresponding increase in membership. By the end of March, 1956 there were 280 cooperative societies with 74,489 members. Sum of Rs. 28,75,083 had been advanced as short time credit to the villagers living in the blocks up to the end of March, 1956.\(^{72}\) About 100 basic schools and adult education centres were established in these blocks. 16 recreation and 12 community entertainment centres were organised for the pleasure and profit of the
village community. During the reign of Bakshi Ghulam Mohammad the remotest villages were allotted with first aid centres, community listening posts, schools and social education centres and model farms.

Under the All India Programme of the community projects, three development blocks came into being: one in Budgam (Kashmir) second at Mansar (Jammu) and third the entire district of Ladakh with 701/2, 270 and 37, 240 sq miles as their area respectively. 579 villages were covered under this programme in three blocks. Under community development programmes handicrafts and cottage industries had received impetus. The Budgam Development Block was selected as a pilot project area for intensive development of industries. The cottage industries like agriculture, knitting, mulberry culture and handloom weaving flourished in Budgam. A production cum training handloom weaving centre was also set up there. In Ladakh Block a weaving centre was also established at Leh. Training was given in wool-sorting, carding, spinning, weaving, loom fitting, carpet making and designing. Puttoo and carpet making which had great scope in the area was carried on at the centre on better and improved looms. 73 Thus during Bakshi Ghulam Mohammad’s dynamic Prime Ministership, the state made phenomenal progress on the economic and social front with the financial support of Government of India.

**Communication and Transport**

A double tube one and half mile long low level tunnel, the Jawahar Tunnel was bored through the mountain of Banihal and traffic allowed through both the tubes. The tunnel provided an all weather link between Kashmir valley and the outside world.75 The work was started on 1st April, 1955 from both sides by a German Firm of tunnel experts. This tunnel, as estimated, knocks off 18 difficult miles of the distance between Srinagar and Jammu and reduces the time of journey by two hours.76 Thereafter tourist traffic increased in the valley of Kashmir. Tourist from different parts of world visited Jammu and Kashmir in winters and enjoyed the snowfall of the beautiful part of India. It also developed trade relations between Jammu and Kashmir and rest of India.

Further to strengthen the relationship of state with union of India Sadar-i-Riyasat, Karan Singh wrote a letter to Jawaharlal Nehru on 25th July, 1954 in which he demanded the construction of road linking Leh with the Indian mainland via
Manali and the Rohtang pass. He gave strategic, economic and political reasons for this proposal:

1. **Strategic**: In the event of renewed hostilities with Pakistan, or aggression from other quarter, it will be very difficult to maintain an adequate garrison at Leh unless it can be supplied with arms, ammunition, ration etc by road.\(^7^7\) If the Kargil route is cut off which is the only means of supply, then an alternate road linking Leh with Manali and thus with Delhi will therefore be of great strategic value.

2. **Economic**: As you know, the economic condition of the people of Ladakh is very poor indeed. This can only really be improved if the flow of goods to and from Ladakh is greatly increased which is not possible unless there is a road link. At present Ladakh depends for its salt, butter, cloth and many other things upon trade coming in from Tibet. This is a precarious and unsatisfactory position, as we never know when for some reason that trade might abruptly cease. Under our Five Year Plan we have some schemes and projects planned for Leh but many of them are held up because it is just not possible to get machinery or other articles to Leh except by air. A direct road connection with the rest of India would completely change the present unsatisfactory position and the benefits that would accrue to the economy of Ladakh would be immense.\(^7^8\)

3. **Political**: Until 1834\(^7^9\) Ladakh was an integral part of Tibet. Till 1834 it retained its ethnic, linguistic, religious, economic and socialities with that country. However, for over a century, Ladakh has been part of the Jammu and Kashmir state and for about seven years part of India. I feel that its people have loyalty and affection for India and left to themselves they will remain loyal. But in view of recent developments on the ‘Roof of the world’ it is most important that these ties with India must be strengthened so that they became virtually unbreakable.\(^8^0\) Uptill now, the authorities in Tibet have not shown too much interest in Ladakh, but there is no guarantee that this attitude will continue indefinitely and after consolidation in Tibet it will be too optimistic to believe that Ladakh will escape on undue share of attention. Our information, meagre as it is, shows that the Chinese are fast completing the road linking Lahasa with Peking, thousands of miles away and are also
engaged in constructing a network of roads within Tibet. I can think of one factor that will be more important in cementing the political feelings of the Ladakhis for India (and in the process turning their eyes away from Tibet) than the construction of a road directly linking Leh with India. They will then feel very much closer to India than to Tibet, as it takes about 4 months to get from Leh to Lahasa. It must be remembered that Lord Buddha was born, lived and preached in India not in Tibet. Hence there is no reason why the Ladakh Buddhists should not feel culturally and religiously as close, if not closer, to India than they do to Tibet. Indeed, I feel that instead of going to Lahasa, Lamas and Monks from Leh should be encouraged to go for their higher studies to places such Sarnath and Bodh Gaya. But all this will only be practicable if the Ladakhis can get to India directly and easily.\textsuperscript{81}

On 28\textsuperscript{th} July, 1954, Prime Minister Jawaharlal Nehru replied to Karan Singh positively.\textsuperscript{82} Accordingly, the survey of the road, so vital for our National security began and in due course it was taken in hand and completed. However, this came too late to prevent the tragedy of 1962 when China invaded India.

The first commercial Air service by Indian Airlines from Srinagar to Leh was inaugurated soon thereafter on a fortnightly basis but this provided at best tenuous, symbolic link with the most vulnerable region of Jammu and Kashmir state.\textsuperscript{83} The two air fields at Srinagar and Jammu were converted into weather fields. Air strips were also constructed at Baramullah, Panzgam, Leh, Skardu and Shalteng.\textsuperscript{84} One most beneficial measures adopted by the Government was the establishment of the Government Transport Service which enabled the state to maintain the flow of essential goods. Considerable improvement was made in the working of the transport organisation. Internally, the department serves to connect main arteries of trade with Srinagar and Jammu as places of tourist interest. Externally, it handles the flow of trade from the state to India bringing back food, essential commodities and tourist traffic. The transport organisation consists of 466 vehicles of different types. The bus fare from Pathankot to Srinagar was also reduced. The quality and comfort of the vehicles was also improved side by side. In response to popular demand, the department started city bus services in Jammu and Srinagar cities after August, 1953. The employees of the transport department were provided with facilities and amenities available to the personnel of similar organisations in other states in India.\textsuperscript{85}
Since partition, Jammu-Sialkot Rail link was cut off. So by the end of 1954 it was decided to extend the line from Pathankot to Lakhanpur which was the border between Jammu and Punjab. Work was started in this but it took many years for the rail head to finally reach Jammu.\textsuperscript{86}

Thus these events saw the stepping up of efforts to forge closer bonds between the state and the rest of India. The road over the Banihal Pass, Indian Kashmir’s land link with the outside world, was widened and improved. Indian civil planes fly in and out of Srinagar’s Airport every day.\textsuperscript{87}

**Agriculture Development**

The agriculture department used several new schemes for the welfare of rural population. In order to bring the arid land under cultivation the government introduced the scheme of lift irrigation. During the year 1954-55 alone Rs 14.71 lakhs were spent on construction of canals.\textsuperscript{88} Various irrigation schemes with a capacity of irrigating about 19 thousand acres of land were completed during 1958-59.\textsuperscript{89} Work of Kathua feeder of the Ravi Pratap canal was intensified during 1959-60. The outfall channel from Wular lake to Baramullah were constructed to protect the Kashmir valley against floods. About 44 seed multiplication firms were set up and 90,000 mds of Ammonium sulphate was distributed during 1959-60.\textsuperscript{90}

It did not take long for Bakshi Ghulam Mohammad to formulate a policy and programme to tackle the problems of the state. Conscious of the fact that mass support for them could depend on how expeditiously and effectively relief was provided for the people, the leaders took speedy decisions and introduced number of economic reforms. The price of paddy in the valley of Kashmir offered for sale by the peasant was raised from Rs 9 - Rs 10 a Khirwar (82 seers). Another rupee was paid to him to meet the charge of transport. The peasant was free to sell or not to sell his surplus to the government. All restrictions on the purchase and sale of food grains and their movement from one place to another within the valley were similarly removed. About 12,00,000 maunds of rice, paddy and wheat were imported from India and supplied at reduced rates to the consumers in the cities of Srinagar and Jammu and outside.\textsuperscript{91}

**Reply to Critics**

Despite all round development during Bakshi Ghulam Mohammad’s Prime Ministership, associates of Sheikh Abdullah like Mirza Afzal Beg and others
criticised the government’s policy. One of the colleagues of Mr Mirza Afzal Beg said that relief was sought from India in order to overcome the food crisis after 1953 and the food grains were sold at cheap rates. It was also said that this step was taken because the intentions of the government were not good in as much as the people of Ladakh, Jammu and Kashmir were sought to be made the slaves of India. In reply to Mirza Afzal Beg, Prime Minister Bakshi Ghulam Mohammad made a statement on 5th April, 1955 wherein he stated that “there is no difference between citizen of India and that of our state. We are integral parts of the same body. The problems of the people of the state and of the people of India are one and indivisible. We are co sharers in each other’s joys and sorrows. The question of enslavement does not arise. India renders assistance to all other states in respect of food and other things. She is providing similar assistance to Jammu and Kashmir, helping it to tide over the food deficit and save it from famine. The statements made by critics make little sense because they have no foundation in truth”.

Food Imports then and Now

Prime Minister placed all the facts and figures before the members of the house. In 1947-48, when Mr Beg was the Revenue Minister of the state, the government realised from the peasants 10, 40, 892 maunds in the shape of Mujawaza (Levy Procurement). During the year 1948-49, 1949-50, 1950-51, 1951-52 the Mujawaza realised was 17,64,518,15,12,746,14,37,008 and 16,15,552 maunds respectively. These were the figures provided by the Food Control Department. Bakshi Ghulam Mohammad said that besides the quantities of food grains which were procured as Mujawaza, 7,39,030,3,65,630 and 1,08,585 maunds of rice were imported from India during the years 1948-49,1949-50 and 1950-52 respectively. The landed cost of the imported rice in 1947-48 was Rs 34-8-0 and its sale price was Rs 16/- This means that a subsidy of Rs 18-8-0 per maund was given by India. It was no crime then, but it became a crime only after August, 1953. In the year 1948-49 the landed cost of the imported food grains was Rs 33 and the sale price Rs 14 per maund i.e. the subsidy given amounted to Rs 19 per maund.

In 1949-50 the landed cost of 7, 39, 000 maunds of the imported rice was Rs 26 per maund and it was sold at Rs 18 per maund by providing for a subsidy of Rs 8 per maund. In spite of the grant of subsidy of crores of rupees and import of Lakhs of maunds of food grains the food situation was not eased and the crisis continued to
develop. How, Bakshi’s government was responsible for that state of affairs? Why objections raised when Bakshi’s Government follow the same old path in the interests of the people?94

**Changed Position**

The Mujawaza system which was prevalent for more than fifty years and which had acted as a drain on the peasants of Jammu and Kashmir was abolished once and for all by Bakshi Ghulam Moammad. His government imported 6,53,355 maunds of food grains as against much larger quantities imported in the past and had not made any procurements from the peasants in the form of Mujawaza etc. Previously food grains were sold at Rs 18 per maund but later reduction in price to Rs 8 per maund. Even this price was not within easy reach of some sections of the people of the state and if it be possible for the government it would reduce the price still further. Prime Minister Bakshi Ghulam Mohammad considered it his foremost duty to feed the people well. It was not a crime.

If importing food grains was a crime, then that crime had been continuously committed from 1947-48 onwards. Before 1953 the Indian money was not considered tainted and was accepted as legitimate. We have been receiving aid from India from the very beginning and are receiving today and shall continue to receive it as long as the conditions make it necessary.95 Before 1953, 8,50,000 maunds of food grains were realised from the peasants through cooperatives by way of surplus procurement of that only 65,000 maunds of Paddy were sent to country side for distribution and that too only when the peasant had undergone long periods of starvation. However, Bakshi Ghulam Mohammad’s government had relived the poor peasants of the burden of Muzawaza and supplied them with 3,00,000 maunds of rice and 1,00,000 maunds of maize.

Thus under Bakshi Ghulam Mohammad’s regime a system of compulsory procurement of food stuffs from farmers was abolished. Farmers were free to dispose of their produce and there was no compulsion of any kind to sell it to the government. The price offered by the state for paddy voluntarily sold by farmers had been increased from Rs 9 to 10 a Khirwar (83 Seers). At the same time, the sale price in the city of Srinagar was brought down from Rs 10-8-0 to Rs 8-8-0 a khirwar. The sale price of Jammu rice reduced from Rs 25 to Rs 18 per maund. The scale of rations per head per month was increased from 4-5 traks.96
Thus, it was practical statesmanship and the dynamic personality of Bakshi Ghulam Mohammad which alone could bring to an end the system of compulsory procurement of Muzawaza, which had crippled with peasants of Jammu and Kashmir for several decades. Thus the old practices of Muzawaza and the forced procurement of foodgrains from the peasants at fixed rates were abolished. The members of opposition further stated that the construction of the Banihal tunnel and the railway link which were mentioned in the Sadar-i-Riyasat’s address do not form a part of the achievements of the Jammu and Kashmir Government. Here, Bakshi Ghulam Mohammad replied that the Sadar-i-Riyasat’s address clearly says that works do not fall within the jurisdiction of the state government but within that of the central government. We had acceded to India for these and similar benefits.

**Power Schemes**

The new sources of electric power were tapped and several projects launched for increasing the supply of power. During the first five year plan Rs 2.30 crores were spent on Sindh hydroelectric project which was commissioned in 1995. The first phase of Ganderbal project was completed during first five year plan and its second phase was completed by the end of second five year plan. Thus the production of electric power increased in the valley. On similar lines 1,500 Kwts of electricity was purchased from government of Punjab for Jammu province during first five year plan.

**Public Health**

In the sphere of Public Health, sustained efforts were made to prevent and eliminate diseases of various types. Over 26,00,000 people were vaccinated under the B.C.G. campaign. A chest disease hospital was set up in Srinagar. Blood banks at Jammu and Srinagar were established for the first time. Deep X-Ray units were installed in hospitals, thus eliminating the practice of patients going outside the state for deep X-Ray therapy. Operation fees were abolished in hospitals and diet scales increased. A special section of Orthopaedic surgery was opened in Srinagar. The government had set up permanent eye relief unit in the state for giving regular medical aid to the ailing persons. The unit consisted of two medical officers assisted by fifteen other members of the auxiliary staff and is under the supervision of the Gandhi Eye Hospital, Aligarh. Eye specialists from Aligarh toured the rural areas of
the state and their mobile medical team treated over 40,000 people. In this way state socially came closer to the rest of India.

**Industrial Progress**

The government took several steps to stimulate industrial progress of the state. An important step taken was the abolition of customs duty on goods imported from various parts of the country. This had opened new avenues for the development of trade and industries in the state. The importance of this measure for trade and commerce of the state would be realised when it was kept in the mind that customs duty formed one of the most obnoxious indirect taxes in the state. In many cases the duty levied was more than 50% of the actual cost of goods. A paint and mineral factory was started in Jammu. The factory also processed china clay, gypsum, soap stone etc. A modern tannery was established near Srinagar. The tannery utilised the hides and skins previously exported from the state in large quantities. A joinery mill was set up in Kashmir. It was a unique venture, as very few such industries existed outside Europe and North America. The factory had installed capacity for the manufacture of 36,000 doors and 36,000 windows which, on an average should mean a turnover of goods worth Rs 35 lakhs per year.

**Tourist Traffic**

The tourism industry is a premier industry in the state and an important source of income to both the state and the people. The restoration of peaceful and normal conditions in the state during the Prime Ministership of Baksahi Ghulam Mohammad had greatly stimulated the flow of visitors to Jammu and Kashmir. During 1956-57 the number of tourists who visited the state touched the record figure of 70,000. Following measures were taken by Bakshi Ghulam Mohammad’s government to encourage tourism in Jammu and Kashmir:

(i) Concessions offered by railways which included issue of rail-cum-road return tickets on reduced rates.

(ii) Reduction in bus fares to and fro Pathankot rail head.

(iii) Opening of seasonal Tourist Bureau at Pahalgam, Gulmarg and Srinagar to render assistance to the tourists
(iv) Convenient timings in air service and inauguration of the Pathankot Srinagar air service.

(v) Dissemination of tourist information on an extensive scale in India and abroad

(vi) Improvements in accommodation in Dak Bungalows at Jammu, Kud, Batote and Banihal.

(vii) Improvements of Gulmarg huts.

(viii) Improvement of Narbal-Tangmarg-Gulmarg Road

(ix) Rest houses at Baramulla, Sopore, Kupwara, Anantnag, Verinag, Shopian, Pakhsam, Liddarwat, Wavjan, Panchtarni, Doru, Watlab etc were established.

(x) Development of Achhabal, Kokernag and Ganderbal camping areas.

During the second five year plan more measures were taken for the development of tourist industry in the state. Firstly Tourist Reception Centre at Srinagar was set up which provided a streamlined service in all spheres of travel, sport, leisure and rest.\textsuperscript{105} To give fillip to the state trade a network of Kashmir Arts and Crafts Emporia were established in important cities in India. These account for Kashmir goods worth about Rs 22 lakhs annually.\textsuperscript{106} In 1954 the eminent hotelier M.S. Oberoi (known as Rai Bahadur) demanded from Sadar-i-Riyasat, Karan Singh, the Ghulab Bhawan (main palace of Dogras in Srinagar) which was lying virtually unused on lease. Sadar-i-Riyasat agreed even though the lease money was very modest, the property would be well maintained and would provide Kashmir with its first Five Star Hotel. This ultimately helped strengthening the tourism infrastructure. Accordingly Srinagar became the venue of numerous conferences organised by Ministers and departments of the government of India as well as private organisation.\textsuperscript{107} This was another important step on the part of Sadar-i-Riyasat to strengthen centre-state relationship.

The constant stream of visitors from all over India and world continued. Gandhiji’s close associate Mira behn (Margaret Slade) visited the state of Jammu and Kashmir in 1954. She had started a cattle farm near Kangan in the Sindh Valley, where she installed a herd of tiny Dexter cattle imported from England. These gatherings though essentially social functions gave state leadership the opportunity to converse with wide variety of people drawn from various walks of life and state
leadership learnt a great deal from it. First lady of the state of Jammu and Kashmir Smt. Asha Karan Singh started a branch of All India women’s Conference in Jammu and Kashmir and became president of the state social welfare board.

Meanwhile, developments within political parties at the national level in India were taking place. Asoka Mehta and some of his colleagues from the Praja Socialist party toured the state and attempted to extend national politics to Jammu and Kashmir. A branch of Praja Socialist party was set up in State with Om Prakash Saraf as President and Khwaja Umar Butt as Secretary. Simultaneously, the Praja Parishad announced its affiliation to the Bhartiya Jana Sangh. Thus, while the Congress and the National Conference retained close fraternal ties, the process of political party integration between the state and the rest of India gained momentum. It was a healthy development as it forged further links at the political level between the people of the state and rest of India. Thus there was all round progress in Jammu and Kashmir under Prime Ministership of Bakshi Ghulam Mohammad which is essential for healthy relations between centre and the state.

The Salaries and Allowances of members of Parliament Act, 1954 (30 of 1954) was applied to the state of Jammu and Kashmir state in 1954. By the taxation laws (Extension to Jammu and Kashmir) Act, 1954 (41 of 1954) following central laws were made applicable to the state in 1954 with the concurrence of state Constituent Assembly.

(i) The Government trading Taxation Act 1926 (3 of 1926)
(ii) The Indian Traffic Act, 1934 (30 of 1934)
(iii) The central Excise and Salt Act, 1944 (1 of 1944)
(iv) The Payment of Taxes (Transfer of property Act), 1949 (22 of 1949)
(v) The Estate Duty Act, 1953 (34 of 1953)

Thus, events in 1954 saw the stepping up of efforts to forge closer bonds between the state and the rest of India. Similarly during the year 1955 the following central laws were applied to the state with the concurrence of the state government. By the Imports and Exports (control) Amendment Act, 1955 (2 of 1955)-The Imports and Exports (control) Act, 1947 (16 of 1947) applied to the state. By the Industrial and state Financial Corporation (Amendment) Act, 1955 (28 of 1955)-The Industrial

Plebiscite Front

Mirza Mohammad Afzal Beg, the closest colleague of Sheikh Abdullah and some other detenues had been released and had restarted a measure of political activity in the valley mainly in Srinagar city and his home district of Anantnag. Indeed he founded an opposition group of about 11 people in the Assembly but the bulk of the National Conference members remained loyal to Bakshi Ghulam Mohammad.113 On 9th August, 1955, Mirza Afzal Beg formed a new political Party called ‘Plebiscite Front’ with the main aim of securing the right of self determination for the state people. Obviously it was a betrayal of the repeated and firm assurances given to India regarding accession of the state for eight years.114

Genesis of Plebiscite Front

The accession of the state of Jammu and Kashmir was fully in accordance with the British statute enacted for the transfer of power. But even then the government of India voluntarily made the announcement that the people of Jammu and Kashmir would be consulted about their state’s future when normal conditions were restored. A clear offer of a plebiscite in Jammu and Kashmir was made by the Prime Minister of India Jawahar lal Nehru in a broadcast in November, 1947. It was also communicated to the government of Pakistan which rejected it. Thus it was neither Pakistan nor the United Nations (which was not even in the picture at the time) that first suggested plebiscite as a solution to the Jammu and Kashmir problem. The Proposal was made by India itself.115

Further United Nations Commission for India and Pakistan suggested that if and when Pakistani troops withdrew from the state of Jammu and Kashmir, a plebiscite should be considered as one of the methods for ascertaining the will of the people. The Government of India agreed but Pakistan, which had sent in its regular troops to support the tribal raiders, knew that, having been responsible for pillage,
rape, murder and arson, it could not hope to win a plebiscite. Pakistan, therefore, put forward one excuse after another to avoid withdrawal of its troops from Jammu and Kashmir.\textsuperscript{116}

The British Government had transferred power to large number of its colonies but never thought of ascertaining the wishes of these colonies by holding a plebiscite. In India itself no plebiscite was held to determine whether people of the sub continent of India wanted freedom or whether the majority of the Muslims living in the country wanted partition. The argument that India wriggled out of a commitment to hold a plebiscite has no basis in fact. All statements made by the Prime Minister or India’s representatives in the Security Council on the subject were made on the repeatedly affirmed condition that Pakistan would first vacate the aggression on Indian Territory. The United Nations Commission for India and Pakistan (UNCIP) resolution of 5\textsuperscript{th} January, 1949 which deals with plebiscite, was to come to life only after the UNCIP resolution of 13\textsuperscript{th} August, 1948 had been implemented.\textsuperscript{117} Under the latter resolution, Pakistan was required to withdraw its troops, regular or irregular from Jammu and Kashmir. By its failure to vacate the aggression and by consolidating the unlawful position in the occupied area, Pakistan was directly responsible for making Plebiscite impossible.

India’s position was stated clearly not only in the UNCIP resolution of 13\textsuperscript{th} August, 1948 but also in the assurance given by the chairman of the United Nations Commission to the Prime Minister of India towards the end of December 1948 that “In the event of Pakistan not accepting these proposals (Plebiscite) or having accepted them, not implementing part1 and 2 of the resolution of 13\textsuperscript{th} August, 1948 India’s acceptance of them should not be regarded in any way as binding upon them.” This assurance was not given in secrecy but is included in the second interim Report of the United Nations Commission which is a Public document. The United Nations Commission resolutions have thus become obsolete. This was a view expressed by the United Nations Commission itself, as far back as in 1949 and has been reiterated by Dr. Jarring and Dr. Graham, both United Nations Representatives. Passage of time, change of circumstances and Pakistan’s repeated and continuing violations have ruled out all possibility of implementing them.\textsuperscript{118}

In a speech at Island ground, Madras on 31\textsuperscript{st} January, 1957, regarding plebiscite Jawaharlal Nehru said: “India agreed to a plebiscite on certain conditions,
in a certain context of events. The very first condition was the withdrawal of the Pakistan Army from territory of Jammu and Kashmir state. There were many other conditions but that was the first because the aggression had to be purged before we could take any other step. That was the principal proposal in the United Nations resolution which dealt ultimately with the plebiscite and many things else. First there was to be a cease fire, then a truce, then other measure and then plebiscite. But immediately after the ceasefire, as part of the truce, Pakistan’s armies had to withdraw from the territory they had invaded.119 Since the first day India had been telling the United Nations Commission and Pakistan that if the conditions we lay down were satisfied and if there was complete peace and order, India was prepared to have a plebiscite.”

Jawaharlal Nehru was of the opinion that under fair and peaceful conditions where in religious fanaticism is not allowed to play, I have no doubt that a great number of people of Jammu and Kashmir in a plebiscite would vote for India. We have laid stress always that this election or plebiscite must be on political and economic issues.120

**Impact of SEATO and BAGHDAD Pacts on India**

When Indian Leadership was discussing various ways to settle the question of Jammu and Kashmir with Pakistan’s leaders, a new development took place. This was the promise of military aid from the United States of America to Pakistan—a promise which was subsequently fulfilled. This created not only a new military situation but a new political situation.121 In her search for allies, Pakistan was helped by the new alignments sought to be formed by the western bloc for their ‘cold war’ strategy. One important alliance was South East Asia Collective Defence Treaty (SEATO) that came into being on 8th September, 1954.122 Australia, France, New Zealand, Pakistan, Philippines, Thailand, United Kingdom and United States of America signed at Manila a pact of ‘continuous and effective self help and mutual aid’, which established a collective defence system in South-East Asia. However United States of America, introduced a proviso to the military aid clause by which she recognised “aggression and armed attack” only by communist countries. Pakistan’s membership of the SEATO brought the cold war to the doorsteps of India, thus disturbing the area of peace which she wanted to build in Asia.123 It went counter to Jawaharlal Nehru’s
aborrence of military alignments and his neutralism born of a deep conviction that a race for armaments is most likely to result in a third world war.\textsuperscript{124}

The pro-communist bias of India’s neutralist foreign policy and the persistent support given by the USSR and other communist countries to India’s stand on Jammu and Kashmir in the Security Council coupled with the failure of Indian external publicity to properly educate the American public opinion about the justice of India’s case contributed to Pakistan’s success in creating a powerful anti-India lobby in the US Press and Congress. Many Americans generally began to feel that India was moving towards the communist bloc and that Pakistan could be an asset, particularly because of the strategic situation of Gilgit, for containing the spread of communism in Asia if it could be persuaded to join the Baghdad pact.\textsuperscript{125} So, next attempt was the formation of a bloc on the basis of anti-communism. But no Arab country except Iraq agreed to join the alliance. Pakistan in her anxiety to isolate India from Middle East States and to gain a military advantage, joined the pact with alacrity. She became an ally of Pro-Israel countries like Turkey and Britain. This exposed her pretensions of Islamic solidarity and friendship for the Arabs.\textsuperscript{126}

The Baghdad Pact was signed by Turkey and Iraq on 24\textsuperscript{th} February, 1955. UK joined on 4\textsuperscript{th} April, Pakistan on 23\textsuperscript{rd} September and Iran on 3\textsuperscript{rd} November, 1955. The United States of America became a full member of the economic and counter subversion committees in April, 1956 and of the military committee in March, 1957 and was represented at the council meetings by observers. ON 28\textsuperscript{th} July, 1958 the United States of America agreed promptly to enter into agreements designed to give effect to cooperation with the pact countries. But Iraq withdrew from the pact in July, 1958, thereafter alliance came to be known as CENTO.

ON 5\textsuperscript{th} March, 1959 bilateral defence agreements between the USA and Turkey, Iran and Pakistan were signed. Pakistan’s nominee became the Secretary General.\textsuperscript{127} The situation became progressively worse because of the flow of this military aid to Pakistan and the conclusion of the SEATO and BAGHDAD pacts.\textsuperscript{128} So the direct negotiation between India and Pakistan thus founded on the rock of US-Pak military pact, Pakistan premier, Mr. Mohammed Ali, informed Jawahar Lal Nehru in his letter of 21\textsuperscript{st} September, 1954 that, “In the circumstances I am bound to conclude that there is no scope left for further direct negotiations between you and me for the settlement of this dispute. This case therefore must revert to the Security
However Pakistan took two and a half years after the failure of direct negotiations to request the Security Council to take up the Jammu and Kashmir issues again.

Meanwhile a significant development took place in Jammu and Kashmir, the task of Constitution making entered a decisive phase when on 10th October, 1956 the drafting committee presented a draft constitution to the Constituent Assembly. The Constituent Assembly discussed the draft constitution for more than a month. The Constitution of Jammu and Kashmir was finally approved and adopted unanimously on 17th November, 1956. It came into effect on 26th January, 1957. The Constitution declared the state of Jammu and Kashmir to be an integral part of the Union of India. The territory of the state will comprise which on 15th August, 1947, were under the sovereignty of the ruler of the state.

Further, on 18th November, 1955 Russian leaders N.A. Bulganin and N.S. Khrushchev reached New Delhi and on 9th and 10th December, 1955 they visited Jammu and Kashmir on the invitation of Sadar-i-Riyasat. They openly declared at Srinagar on 10th December, 1955 that, “The question of Jammu and Kashmir as one of the states of the Republic of India had already been decided by the people of Jammu and Kashmir” made the alignment of the USSR with India on the question of Jammu and Kashmir as explicit as that of the USA with Pakistan.

According to N.S. Khrushchev, “the population of Jammu and Kashmir and of the capital of the state, Srinagar, is varied in its composition. Kashmiris, Dogras, Ladakhis live here and also amongst the inhabitants of Kashmir, there are Hindus, Muslims, Sikhs and representatives of other nationalities and faiths. But when we passed through the streets of Srinagar we felt that we were greeted with equal warmth by people of all faiths and nationalities. This warmth expressed itself also in slogan of greetings and in the kind words with which the citizens of Srinagar addressed us. All this was connected with the name of the Prime Minister of the Republic of India, Jawaharlal Nehru, who enjoys here as he does in other states of India, enormous popularity and authority. It shows that the people of the state of Jammu and Kashmir, who belong to different nationalities and different faiths, live as friends and want to work for the well being of their beloved state- the Republic of India.”
Therefore, most of the resolutions before and after 1955 were vetoed in the Security Council of the United Nations Organisation by the Russians. Further for the integration of the state with the Indian Union, Sadar-i-Riyasat wrote to Jawahar Lal Nehru regarding State Reorganisation Commission’s report. As Jammu and Kashmir was kept outside the terms of reference of the commission so it was demanded that Jammu and Kashmir should at least be included in the north zone which had been envisaged as part of the zonal set up recommended by the commission. Secondly the State’s Reorganisation Commission’s recommendations regarding linguistic minorities should be applied to Jammu and Kashmir. Thirdly he urged that the President of India should be empowered to nominate the Head of State of Jammu and Kashmir, whatever that office may be called.

On 10th October, 1956 the Constituent Assembly of Jammu and Kashmir passed a resolution authorising the extension of the jurisdiction of the Comptroller and Auditor General of India to the State. Syed Mir Qasim, expressing his approval said, “In other states of the Indian Union, the expenditure defrayed by the state government is audited by the Auditor-General of India. Now we have recommended that the Auditor General should also audit the accounts of this state.” So on the basis of the resolution passed by the Jammu and Kashmir Constituent Assembly on the subject, the President of India issued the Constitutional (Application to Jammu and Kashmir) Second Amendment Order, 1958, by which jurisdiction of the Comptroller and Auditor-General has been extended to the state and entry 76 of the Union list made applicable to the state. This brought state at par with other states in respect of financial matters including proportionate allocation of funds from the centre.

In this way with the concurrence of the Government of Jammu and Kashmir state, numbers of central laws were applied to the state during the year 1956: By the adoption of Laws Order (2) of 1956 - The India Reserve Forces, 1988 (4 of 1988) was applied to the Jammu and Kashmir state. By the Indian Red Cross Society (Amendment) Act 1956 (22 of 1956) – The Indian Red Cross Society Act, 1920 (15 of 1920) was applied to the state. Originally this Act was made Applicable to the state for limited purposes by Act 3 of 1951. By the Press and Registration of Books (Amendment) Act, 1956 (62 of 1956)- The press and Registration of Books Act, 1867 (25 of 1867) was applied to the state.
Under the Jammu and Kashmir (extension of laws) Act, 1956 (62 of 1956) following Central Acts were made applicable to the state of Jammu and Kashmir:

(i) The opium Act, 1857 (13 of 1857)

(ii) The Government Saving Bank Act, 1873 (5 of 1873)

(iii) The Negotiable Instruments Act, 1881 (26 of 1881)

(iv) The Police Act, 1888 (3 of 1888)

(v) The Live stock Importation Act, 1898 (9 of 1898)

(vi) The Indian Coinage Act, 1906 (3 of 1906)

(vii) The (xx) Designs Act, 1911(2 of 1911) The title of the original Act was the Patents and Designs Act, 1911. BY section 162 of the Patent Act, 1970 (39 of 1970), the aforesaid Act was repealed in so far as it related to patents and also amended in the manner specified in the schedule. The title of the original Act was also changed to the Designs Act, 1911.

(viii) The Destructive Insects and Pests Act, 1914 (2 of 1914)

(ix) The Indian Cotton cess Act, 1923 (14 of 1923)

(x) The Indian Soldiers (Litigation) Act, 1925 (4 of 1925)

(xi) The Dangerous Drugs Act, 1930 (2 of 1930)

(xii) The Indian Lac Cess Act, 1930 (24 of 1930)

(xiii) The Reserve Bank of India Act, 1934 (42 of 1934)

(xiv) The Petroleum Act, 1934 (30 of 1934)

(xv) The Insurance Act, 1938 (4 of 1938)

(xvi) The currency Ordinance, 1940 (4 of 1940)

(xvii) The Indian Coconut Committee Act, 1944 (10 of 1944)

(xviii) The Indian Oil seeds Committee Act, 1946 (9 of 1946)

(xix) The Delhi Special Police Establishment Act, 1946 (25 of 1946)

(xx) The Banking Companies Act, 1949 (10 of 1949)
The Banking Companies (Legal Practitioners Clients Accounts) Act, 1949 (46 of 1949)

The Emblem and Names (Prevention of Improper use) Act, 1950 (12 of 1950)

The State Financial Corporation Act, 1951 (63 of 1951)

The State Armed Police Force (Extension of laws) Act, 1952 (63 of 1952)

The Khadi and other Handloom industries Development (Additional Excise Duty on cloth) Act, 1953 (12 of 1953)

The Salt Cess Act, 1953 (49 of 1953)

The Copyright Act, 1957 (14 of 1957). This Act repeals the Copyright Act, 1914

In 1956 many other Central Acts applied to the state of Jammu and Kashmir. These include:\textsuperscript{142}

(i) The University Grants Commission Act, 1956 (B of 1956)

(ii) The Life Insurance (Emergency provisions ) Act, 1956 (9 of 1956)

(iii) The Life Insurance Corporation Act, 1956 (31 of 1956)

(iv) The Inter-state Water Disputes Act, 1956 (33 of 1956)

(v) The Securities Contracts (Regulation) Act, 1956 (42 of 1956)

(vi) The National Highways Act, 1956 (48 of 1956)

(vii) The River Boards Act, 1956 (49 of 1956)

(viii) The Lok Sahayak Sena Act, 1956 (53 of 1956)

(ix) The Terminal Tax on Railway Passengers Act, 1956 (69 of 1956)

(x) The Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956)

The year 1956 was of great significance in the history of the state. During this year, the constituent Assembly adopted the new Constitution affirming finally the unanimous decision of the people taken in 1947 to make Jammu and Kashmir an integral and irrevocable part of India.\textsuperscript{143}
Thus, under the Prime Ministership of Bakshi Ghulam Mohammad on 17th November, 1956, the members of the Constituent Assembly put their signature to the new Constitution thus making a new phase in the chequered history of Jammu and Kashmir. This Constitution was passed unanimously by the 68 members present under the Presidentship of G.M. Sadiq, a veteran and highly respected National Conference leader. Seven members were under detention, including Sheikh Abdullah and Mirza Afzal Beg. Thus the Constitution was adopted on 17th November, 1956. The Sections 1 to 8 and 158 which dealt with the state territory, permanent residents and relationship of India and the state and the Application of the General Clauses Act, 1897 (1920 A.D.) for the interpretation of the constitution came into force at once on 17th November, 1956. The remaining sections came into force on 26th day of January, 1957, the day referred to as the ‘Commencement of the Constitution’. The people of Jammu and Kashmir had chosen 26th January, the Republic Day of India, as the date for the full enforcement of their Constitution, is evidence of the emotional integration of the state with the rest of India. These developments marked an important strengthening of the Constitutional, administrative and political ties between the state and the rest of India.

The Constitution of Jammu and Kashmir is a written document having 13 parts, 158 sections and 7 Schedules and 31 Amendments. Most of its provisions are patterned and borrowed from the Constitution of India though subject to certain exceptions and modifications depending upon the local needs and the exigencies of the state. The Constitution fulfils the long felt needs and aspirations of the people of the state. It secures to the people of the state their individual identity consistent with common Indian Nationality within the framework of the constitution of India. The Constitution of Jammu and Kashmir is partly rigid and partly flexible. The proviso to section 147 specifies those features of the constitution which are unalterable or rigid. The state legislature is debarred from undertaking any amendment of the constitution affecting the state’s accession to India or the extent of the executive and legislative powers of the state. Other matters like Defence, External Affairs and Communication, in the Constitution, being outside the scope of the legislature of Jammu and Kashmir, may be regarded as rigid for the purpose of the Jammu and Kashmir Constitution but they are flexible in so far as the powers of the union Parliament are concerned. All other sections of the Constitution are flexible,
because an amendment to them can be initiated by the introduction of a Bill in the Legislative Assembly. The amendment came into effect if the Bill is passed by each house by a majority of not less than two thirds of the total membership of the house.\textsuperscript{148}

The Constitution of Jammu and Kashmir begins with a preamble which reads as under:\textsuperscript{149}

\textbf{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 as an integral part thereof, and to secure to ourselves:

JUSTICE, Social, Economic and Political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity and to promote among us all;

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this seventeenth day of November, 1956, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION

This Preamble is clearly an adaptation of the preamble to the Constitution of India. This preamble serves three purposes:

I. It indicates the source from which the Constitution derives its authority;

II. It indicates the scope of the Constitution; and

II. It states the objects which the Constitution seeks to establish and promote.

The source of the Constitution of Jammu and Kashmir is the will of the people who have achieved the right to frame their own constitution after a great sacrifice. The scope of the constitution is reflected in the words ‘\textit{to further define the existing relationship of the state with the union as an integral part thereof}’. The aim of the Constitution of Jammu and Kashmir is to secure to all its citizens social, economic and political justice. It also aims at securing equality of status and opportunity by prohibiting discrimination by the state on the grounds of sex, religions, race, class and creed. The preamble also guarantees the rights which are essential for the
development of the individual and the nation, viz., the liberty of thought, expression and belief. It also refers to the spirit of brotherhood between the people of different regions, religions, races and classes and attempts to create a feeling that they are all children of the same soil the same motherland.

The Constitution of Jammu and Kashmir in part II reaffirms that the state “is and shall be an integral part of the union of India”. This provision constitutes a basic feature of the Constitution and the state legislature is debarred from undertaking any amendment in the constitution affecting the state’s accession to India. This was done in order to avoid any fissiparous tendencies raising their ugly head in future. The object of course is to safeguard the sacred character of national unity. This section in fact forms the fundamental law on which the very structure of the constitution has been enacted. In other words the accession of Jammu and Kashmir to India is complete, final and irrevocable and totally prohibits the state from giving its consent to accession in favour of any country other than India. The question of accession cannot be redecided by means of plebiscite which has no legal and Constitutional basis behind it.

Neither the Government of India nor the Government of the state has any power to reopen the issue of accession which is final and irrevocable since its inception and the state has no right to secede from the Union of India. This section 3 of the Jammu and Kashmir Constitution puts a seal of finality on the State’s accession to India and sets at rest the demand for plebiscite. Article 1 of the Constitution of India declares India to be a Union of states and States which are part of Union of India are specified in the First Schedule of the Constitution of India. The Jammu and Kashmir also included in list of the states in First Schedule.

Dr. B.R. Ambedkar, Chairman of the Drafting Committee of the Constituent Assembly of India said that the word “Union of States” was adopted instead a “Federation” to indicate two things:

(i) That Indian federation is not the result of an agreement between the units it is constituted of; and

(ii) That the component units have no freedom to secede from the Union so created.
The term union was used “As symbolic of the determination of the Assembly to maintain the unity of the country.” This further authenticates that the state of Jammu and Kashmir is an integral part of the union of India and have no right to secede from it. The constitutional relationship between the state and union of India has grown over the years and it further demonstrates that the state is an integral part of India otherwise the provisions of the Constitution of India would not have been made applicable to the state of Jammu and Kashmir.

**Territory of the State**

The state of Jammu and Kashmir forms a part of the territory of ‘India-that is Bharat- a union of states’. The Indian Constitution does not mention the limits of the territory of Jammu and Kashmir and defines the territory as: “The territory which immediately before the commencement of this Constitution i.e. 26th November, 1949 was comprised in the Indian state of Jammu and Kashmir”. On the other hand state Constitution includes all territories including those illegally occupied by Pakistan in its fold, on the basis of the fact that these were on 15th day of August, 1947, under the sovereignty of the ruler of the state. The state Constitution makes these territories an integral part of the union of India because Maharaja Hari Singh had acceded the whole state to India by executing an Instrument of Accession on 26th October, 1947.

The Constituent Assembly of Jammu and Kashmir state visualised the possibility of Pakistan occupied Kashmir (POK) being vacated by the aggressor and in anticipation of that, it provided in the Constitution of Jammu and Kashmir that, Twenty five seats in the State Legislative Assembly shall remain vacant and shall not be taken into account for reckoning the total membership of the Assembly, till the area of the state under the occupation of Pakistan. The Parliament of India, by law and proper procedure, can form a new state, increase or diminish the area of any state, alter the boundary or name of any state. But no Bill providing for increasing or diminishing the area of Jammu and Kashmir or altering the name or boundary can be introduced in Parliament without the consent of legislature of Jammu and Kashmir state. In this context D.D. Basu has rightly said: “Herein the status of Jammu and Kashmir markedly differs from the other states in the Indian Union”.

156
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158
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162
Extent of Executive and Legislative Powers of the State

The Constitution of Jammu and Kashmir says that the executive and legislative power of the state extends to all matters except those on which the Parliament has the right to make laws for the state under the Constitution of India.\(^{163}\) It means that matters which state has surrendered to the centre, under the Instrument of Accession i.e. Defence, Foreign Affairs and Communications, the parliament alone has the power to enact laws for the state. Similarly, under the provisions of Article 370, the laws enacted by the Parliament on the matters other than those mentioned above can also be extended to the state with the concurrence of the state government.

The Constitution (Application to Jammu and Kashmir) order, 1954 has extended the jurisdiction of Indian Parliament over the state. Besides the subjects surrendered to the centre at the time of accession, almost all subjects in the Union list i.e. 94 of the 97 entries, 20 entries in the Concurrent list, 6 more with modifications have also been applied to the state. About 260 Articles and 7 Schedules of the Constitution of India have so far been applied to the state. Thus, Section 5 of the Constitution of Jammu and Kashmir is merely confined to matters over which the state legislature can legislate. The executive power of the state corresponds to its legislative powers. Section 5 has been put beyond the amending powers of the state legislature. This section also provides safeguard against unnecessary conflict that may arise between the centre and the state over the exercise of executive and legislative powers and ensures harmony in centre-state relations.\(^{164}\) Here Justice A.S. Anand rightly said, “These two sections (Section 3 and 5) in the constitution of Jammu and Kashmir, have, by reason of the legislature’s inability to amend them, sealed the doors to secession by the state from the union. By no legal or Constitutional means can the state secede from the Union. No further legislature of the state can do anything about it”.\(^{165}\)

Permanent Residents

Part III\(^{rd}\) of the Constitution of the Jammu and Kashmir defines the qualifications required for a citizen of India to be recognised as a permanent resident of the state.\(^{166}\) Part 2\(^{nd}\) of the Constitution of the India dealing with citizenship was not made applicable to Jammu and Kashmir state. Even entry 17 of the Union List, which empowers the union parliament to make laws for the state on matters of “Citizenship naturalisation and aliens”, was modified to read only “naturalisation
“and aliens” in its application to Jammu and Kashmir state. The union Parliament had no power to make laws for the state on citizenship; the omission of ‘citizenship’ from this entry in its application to Jammu and Kashmir, in fact, meant that in the state the old state citizenship law prevailed. Thus the people of Jammu and Kashmir state were ‘protected subjects’ in the rest of India and not ‘Indian Citizens’, even after India became a republic in 1950.

There were historical and political reasons which necessitated such constitutional safeguards. Firstly, the government of India did not want to exercise too much authority over Jammu and Kashmir since it had committed itself to give an opportunity to the people of Jammu and Kashmir to finalise their future affiliations. Secondly, the popular ministry in Jammu and Kashmir, when it came to power in 1948, had assured the people of the state that their rights as subjects of Jammu and Kashmir would be protected. This meant that the law of the state dealing with state subjects (Permanent Residents) should not be interfered with.167

In 1954, the Constituent Assembly of Jammu and Kashmir ratified the state’s accession to India, which was already complete in law and in fact, to avoid any uncertainty about the future of the state, in their Constituent Assembly. After this it was deemed essential that the separate citizenship of the state be abolished, since the Constitution of India provides for only one type of citizenship for the whole of India. There was and is no concept of dual citizenship for residents of states of Indian Union i.e. a person cannot claim to be a citizen of a state of Indian Union. There was only single citizenship in India. So discussions were held between the representatives of India and Jammu and Kashmir and a compromise was reached.

The Government of India agreed that the permanent residents of the state could have special rights but they were to have the common India citizenship. This was welcomed in the state and to avoid any misunderstanding, it was agreed that the term “State Subjects” be deleted and in its place permanent residents be substituted for such persons who were state subjects under the provisions of the State subject Notification of 1927.168 The President of India, in consultation with the state government issued the Constitution (Application to Jammu and Kashmir) Order, 1954 on 14th May, 1954. By section 2 (3) of the order, Part II of the Constitution of India was made applicable to the state, which deals with citizenship. By section 2 (3) (a) of the same order the people of Jammu and Kashmir state were to be regarded as citizens.
of India from the date of commencement of the Constitution. The rights and privileges to which permanent residents of the state are entitled are not available to outsiders within the territory of the state. For example, the state legislature under Article 35 A of the Constitution of India is empowered to make special laws for the benefit of permanent residents in matters relating to:-

(i) Employment under the state government;

(ii) Acquisition of immovable property in the state;

(iii) Settlement in the state;

(iv) Right to scholarship and such other forms of aid as the state government may provide.

Under the Constitution of India, the permanent residents of the state enjoy all rights like other Indian Citizens. But in Jammu and Kashmir, the non-permanent Residents (the non-state Subjects) have no right to vote or contest elections to the state legislature, to the local bodies and other institutions. Only a Permanent Resident can become a member of the legislature, Minister or Chief Minister in the state of Jammu and Kashmir. If at any point of time during his tenure such person loses his status as a Permanent Resident, he acquires disqualification and ceases to hold the said office. The Permanent Residents of the state being citizens of India have all such rights in other states also i.e. they can become members of the legislature, Minister and Chief Minister in other states. Whereas, non permanent residents have no such rights in the state of Jammu and Kashmir.

The special treatment has been accorded to the Permanent Resident’s to safeguard them from exploitation from outside. As compared with other parts of India, Jammu and Kashmir is backward in the educational and economical fields and people of Jammu and Kashmir have long been exploited by their well to do neighbours. It was therefore necessary to make special provisions to enable them to develop so that they could deal with other Indian citizens on equal terms.

**Fundamental Rights**

The provisions of Fundamental Rights of Part IIIrd of Indian Constitution were applied to Jammu and Kashmir state with effect from 14th May, 1954 meaning thereby, that no retrospective effect so as to affect the rights and liabilities accrued
before that date. The Government of India has also recognised that the special rights and privileges enjoyed by the Permanent Residents of the state relating to acquisition and holding of immovable property and in respect of employment under the state shall be fully safeguarded.

Following Fundamental Rights applicable to the state of Jammu and Kashmir:

(i) Article 14- Right to Equality before law;
(ii) Article 15-Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth;
(iii) Article 16-Equality of opportunity in matters of public employment;
(iv) Article 17-Abolition of Untouchability;
(v) Article 18-Abolition of Titles;
(vi) Article 19- Protection of certain rights regarding freedom of speech etc. All citizen shall have right to freedom of speech and expression; to assemble peacefully without arms; to form associations or unions; to move freely throughout the territory of India; to reside and settle in any part of the territory of India; to acquire, hold and dispose of property; to practice any profession or to carry any occupation, trade or business;
(vii) Article 20- Protection in respect for conviction of offences;
(viii) Article 21-Protection of life and personal liberty;
(ix) Article 22-Protection against arrest and detention in certain cases;
(x) Article 23-Prohibition of traffic in human beings and forced labour;
(xi) Article 24-Prohibition of employment of children in factories etc. ;
(xii) Article 25-Freedom of conscience and free profession, practice and propagation of religion;
(xiii) Article 26-Freedom to manage religious affairs;
(xiv) Article 27-Freedom as to payment of taxes for promotion of any particular religion;
(xv) Article 28—Freedom as to attendance at religious instruction or religious worship in certain educational institutions;

(xvi) Article 29—Protection of interests of minorities;

(xvii) Article 30—Rights of minorities to establish and administer educational institutions;

(xviii) Article 31—Compulsory acquisition of property;

(xix) Article 31-A—Saving of laws provided for acquisition of estates etc.;

(xx) Article 31-B—Validation of certain Acts and Regulations or Right to property shall be guaranteed and no person shall be deprived of his property save by authority of law. This should not, however, in any way affect the existing laws relating to land reforms nor should it prevent the state legislature to make any further land reforms. Accordingly no law made by the state legislature, providing for the acquisition by the state of any land or any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the aforesaid rights. The existing definition of land shall be preserved;

(xxi) Article 32—Remedies for the enforcement of fundamental rights conferred by this part;

(xxii) Article 33—Power of the Parliament to modify the rights conferred by this part in their application to forces;

(xxiii) Article 34—Restriction on rights conferred by this part while martial law is in force in any area;

(xxiv) Article 35—Legislation to give effect to the provisions of this part;

(xxv) Article 35-A—Saving of laws with respect to permanent residents and their rights.

A perusal of the Constitution (Application to Jammu and Kashmir) order, 1954 shows that the Amendments introduced in Part III of the Constitution of India have not been made applicable to the state. For example, the right to property was abolished as a fundamental right and is reduced to a mere constitutional right in Article 300 A by the Constitution (44th Amendment) Act, 1978. This amendment has
not been extended to the state of Jammu and Kashmir and the right to property in the state continues as a fundamental right as was originally envisaged in Article 19(1) f and Article 31 of the Constitution of India.\textsuperscript{176}

**Directive Principles of State’s policy**

In part IV of the Constitution of Jammu and Kashmir are contained the Directive Principles of state policy.\textsuperscript{177} The Directive Principles of state policy in Indian Constitution are not applicable to Jammu and Kashmir state.\textsuperscript{178} The state Constitution has its own directive Principles of state policy which lay down that the prime object of the state shall be the promotion of the welfare of the masses by establishing and preserving a socialist order of society wherein all exploitation of man has been abolished and wherein Justice-social, economic and political shall infirm all the institutions of national life. This object of the constitution is in perfect consonance with the ideals of the state freedom movement as envisaged in the programme of ‘Naya Kashmir’. It also lies down that the state shall develop in a planned manner the productive forces of the state with a view to enriching the material and cultural life of the people.\textsuperscript{179}

The Instrument of Accession executed in 1947 did not affect in any manner the legislative, executive and judicial powers in regard to the government of the state which then vested in the Ruler of the state, observed the Supreme Court of India.\textsuperscript{180} So, Yuvraj Karan Singh, who exercised the powers of legislation under the proclamation of His Highness continued to legislate till he was divested of the powers after the commencement of the Constitution of India.\textsuperscript{181} It was to be noted that section 5 of the Constitution of Jammu and Kashmir Act 1939 was not repealed till 1951 and Yuvraj Karan Singh continued to enjoy full powers of legislation till then. By the proclamation of May, 1951, a Constituent Assembly was set up in the state. It was invested with both Constituent and legislative powers. In 1956 the drafting of Constitution was completed and on 26\textsuperscript{th} January, 1957, the Constitution came into force.\textsuperscript{182} According to the said Constitution, until both Houses of the legislature had been duly constituted and summoned to meet under the provisions of the Constitution, “the Sadar-i-Riyasat and the body functioning as the Constituent Assembly for the state immediately before the commencement of the Constitution shall be the provisional legislature and shall exercise all the powers and perform all the duties enforced by the provisions of this Constitution on a legislature”.\textsuperscript{183}
The elections to the first legislative Assembly were held in March 1957. The preparation of electoral rolls and the conduct of elections were under the supervision, direction and control of an Election Commissioner appointed by the Sadar-i-Riyasat. However, later by the first Amendment Act, 1959, this power was vested in the Election Commission of India. These elections brought into being a Legislative Assembly. Thus an important fundamental step towards the establishment of a democratic state had been implemented. The Constitution of Jammu and Kashmir provides a bi-cameral legislature for the state. It consists of the Governor and two houses of the legislature known as the Legislative Assembly and Legislative Council.

Thus, Jammu and Kashmir state has two houses by virtue of its own Constitution. The Constitution of India under Article 168 did not mention the name of Jammu and Kashmir among the states having bicameral legislature viz, Bihar, Madhya Pradesh, Maharashtra, Karnataka and Uttar Pradesh. In 1957 the state Legislative Assembly consisted of 75 members elected by direct election for the period of 5 years. Twenty five seats in the legislative assembly have been left vacant to be filled up by the representatives of the people of the state living in areas under occupation of Pakistan. The legislative council which consists of 36 members is not subject to dissolution but one-third of its members retire on the expiration of every second year and thus it is a permanent house.

Initially the duration of the Legislative Assembly of Jammu and Kashmir was 5 years as it was in rest of the states of India. But by the Indian Constitution (42nd Amendment) Act, 1976, the normal life of the Legislative Assembly in the states was fixed for 6 years. Therefore the state of Jammu and Kashmir took a cue from the aforesaid amendment and by the Constitution of Jammu and Kashmir (16th Amendment) Act, 1977, the normal life of Legislative Assembly has been laid down as “six Years”. However, by the Indian Constitution (44th Amendment) Act, 1978, the original position which laid the normal life of the legislative assembly in the states to “five Years” was restored. But no such amendment has been made in the context of state legislature. Thus in all states of India the Legislative Assembly has normal duration of five years except in Jammu and Kashmir.
Judiciary/High Court

So far as judiciary is concerned Part VII of the Constitution of Jammu and Kashmir contains provisions relating to High Court. The judiciary of the state has been independent of executive. The High Court of the state shall consist of a Chief Justice and two or more other judges. Every judge of the High Court shall be appointed by the President of India after consultation with the Chief Justice of India and the Sadar-i-Riyasat and in the case of appointment of a judge other than Chief Justice, the Chief Justice of the High Court is consulted.\(^{190}\)

After the accession of Jammu and Kashmir state to the Union of India in October, 1947, certain provisions of the Indian Constitution were made applicable to the state through the promulgation of the Constitution (Application to Jammu and Kashmir) Order, 1950. This order did not affect the composition and organisation of High court which remained exclusively under the control of the state. So entry 78 of List I of Seventh Schedule of the Constitution of India deals with the Exclusive power of the Union Parliament to legislate on the Constitution and organisation of High court in the state not applicable to the state of Jammu and Kashmir.

The Article 131 of the Constitution of India, dealing with the original jurisdiction of the Supreme Court of India in disputes between the Government of India and the states or the inter-state disputes, was applied to the state of Jammu and Kashmir. Similarly Article 132 dealing with the appellate jurisdiction of the Supreme Court in Constitutional questions applied to the Jammu and Kashmir state. Thus Supreme Court had no other jurisdiction in the state. The Delhi agreement of 1952 extended the jurisdiction of the Supreme Court of India in relation to the state. During the negotiations of 1952, the spokesmen of the Government of India recommended that the ‘Board of judicial advisors should be abolished and jurisdiction exercised by it should be vested in the Supreme Court of India’. This would have made the Supreme Court the final court of appeal in all civil and criminal matters. However, no agreement was reached on the point and the matter was left for future discussions.\(^{191}\)

The Constitution (Application to Jammu and Kashmir) Order, 1954 superseded the Constitution Order of 1950. The Constitution order of 1954 explained the Constitutional relationship of the state vis-a-vis the union of India within the framework of the Constitution of India. Under this order the Supreme Court was conferred with jurisdiction to hear appeals from the High court and issue writs for the
enforcement of fundamental rights. By this order the Board of Judicial advisors was abolished and all appeals and proceedings pending before it were transferred to the Supreme Court. The Supreme Court held a special sitting in Srinagar in 1954 to dispose of such appeals and proceedings pending before it were transferred to Supreme Court. The Supreme Court held a special sitting at Srinagar in 1954 to dispose of such appeals and proceedings. However, the decisions of the Board of Judicial Advisors continue to be binding only so long as these are not expressly or impliedly overruled by the Supreme Court.

**Appointment and Removal of Judges of High Court**

A candidate for appointment of Judge of High Court must have held judicial office in the state or any other part of India for at least ten years or have been an advocate of the High Court of Jammu and Kashmir or any other High Court in India or of two or more such courts in the succession. A Judge of High Court may resign his office by writing under his hand addressed to the President of India. A Judge of High Court could be removed by an order of the President of India after an address for his removal supported by a two-thirds majority has been passed by each house of the state legislature on the grounds of “proved misbehaviour or incapacity”. But this provision has been repealed by the Constitution of Jammu and Kashmir (First Amendment) Act, 1959. By Constitution order 60, the removal of the Judges of the state High Court can only be made after an address for their removal has been passed by Parliament of India and presented to the President in accordance with Article 124 (4) of the Constitution of India. This was another step in the development of the closer integration of the state’s judiciary with the Indian Judiciary.

Salaries of Judges are fixed and like the administrative expenses of the High Court are charged on the consolidated fund of state. By the Constitution of Jammu and Kashmir (First Amendment) Act, 1959, the salaries of the judges in Jammu and Kashmir have been brought in line with the salaries of the judges in the other High Courts of India. The Constitution of Jammu and Kashmir does not contain any provisions with regard to the transfer of Judges from or to the Jammu and Kashmir High Court; nor did the Constitution (Application to Jammu and Kashmir) order, 1954 contain any such provision. But because the judiciary of the state was being integrated with the rest of India, it was felt that such a provision was necessary. Accordingly Constitution (Application to Jammu and Kashmir) Amendment order,
1960, made Article 222 of the Constitution of India, which deals with the transfer of Judges from High Court to the other courts in India, applicable to Jammu and Kashmir with effect from 26th January, 1960, but with the following condition: -

Every such transfer from the High Court of Jammu and Kashmir or to that High Court shall be made after consultations with the Sadar-i-Riyasat. So the President of India may in consultations with the Governor, order the transfer of Judges from or to the High Court of Jammu and Kashmir. While this is a step towards closer integration, however consultation does not mean concurrence. This accords with the spirit of the Constitution of Jammu and Kashmir and the Constitution of India (as applicable to the state), which guarantee a marked degree of internal autonomy to the state.198

Originally section 106 of the Constitution of Jammu and Kashmir barred Judges of the High Court, who had held the office after the commencement of the Constitution, from practising before any court or authority in the state. The prohibition affected the judges appointed before the commencement of the Constitution who continued in office after its commencement but not those who had retired before the Constitution commenced. It did not affect ex-judges of other High courts who come to Jammu and Kashmir either. This section was repealed by the Constitution (First Amendment) Act, 1959, with effect from 20-1-1960 and from that date by virtue of the Constitution (Application to Jammu and Kashmir) Amendment order, 1960, Article 220 of the Constitution of India dealing with such prohibition was applied to the state. As a result from 26th January, 1960 no person who had been a permanent judge of the High Court could practice before any authority in India except the Supreme Court and other High Courts.199

Under Article 226, the state High court has been conferred with the jurisdiction to issue writs in the nature of Habeas corpus, Mandamus, Prohibition, Quo-warranto and Certiorari or any of them for the enforcement of fundamental rights and for any other purpose. Thus, the jurisdiction of the High court is much wider now as compared to the jurisdiction which was exercised by it under Article 32 clause (2 A) of the Constitution of India.200 The Constitution order of 1954, omitted article 226 from its application to the state of Jammu and Kashmir. Article 226 was made applicable to the state by the Constitution (Application to Jammu and Kashmir) order,
1971 and clause 2 A of the Article 32 in its application to the state of Jammu and Kashmir was also omitted by this order.

By the Constitution (15th Amendment) Act, 1963, of the Constitution of India, the writs issued by a High Court could not run beyond the territory subject to its jurisdiction. The writs could not be issued against a person or authority that was not amenable to its jurisdiction either by residence or location within those territories. After this amendment the High Courts have the powers to issue writs beyond their territory provided that the cause of action arises wholly or in part, within the territorial jurisdiction of the high court concerned. By Constitution Order of 1971 Article 226 in its amended form was made applicable to the state of Jammu and Kashmir. Since then the state High Court has the power under this article to issue writs beyond its territory provided that the cause of action arises in whole or in part within its territorial jurisdiction. 201

Under section 103 of the state constitution, the High Court has the power to issue directions, orders or writs for any purpose other than those mentioned in clause 2 (A) of the Article 32 of the Constitution of India. It means that under this section, the state High Court cannot issue writs for the enforcement of fundamental rights. The words “for any purpose other than those mentioned in clause 2(A) of article 32” indicate that the writs would be issued under this section, if such other purpose is the enforcement of a legal or statutory right or the performance of the legal duty. The mention of clause 2(A) of article 32 in this section has become redundant after the application of article 226 and needs to be omitted. Section 103 also imposes a territorial restriction on the jurisdiction of the High Court to issue the writs to any person or authority. Thus the writ jurisdiction of high court under this section is confined to the territorial limits of the High Court. 202

**Elections**

Provisions related to elections are mentioned in Part X of the Constitution of Jammu and Kashmir. The superintendence, direction and control of the preparation of the electoral roll for the election shall be vested in an Election Commissioner appointed by the Sadar-i-Riyasat. Elections to the Constituent Assembly were held on the basis of adult franchise. 203 A permanent resident of the state and not less than 21 years of age was entitled to be registered as a voter unless disqualified on the
grounds of unsoundness of mind, crime, corrupt or illegal practice. But later the
constitution of Jammu and Kashmir (24th Amendment) Act, 1989 lowered the age of
voting to 18 years. Democracy is the basic feature of the Constitution.

The elections to the Constituent Assembly were held in August, 1951. The
franchise was based on universal adult suffrage and the constituencies were so
delimited as to give one member for every 40,000 people. In 1957, the Constituent
Assembly adopted the new Constitution for the state. The provisional legislature
passed the People’s Representation Act, 1957 on 1st February, 1957. On the lines of
Indian Constitution this act provided for the delimitation of constituencies for the
purpose of elections to the legislative Assembly and the legislative council,
qualification of voters at such elections, conduct of election and matters connected
there with. Section 3 of the Act empowers the Sadar-i-Riyasat by order to determine
“.....the constituencies into which the state shall be divided”, the “extent of each
constituency” and the “number of seats allotted to each constituency”. The Sadar-i-
Riyasat may from time to time, alter or amend any order made by him to delimit the
Constituencies.

In the interest of the general public the Act provides that all such orders are
subject to such modifications as the legislature may make. This is a situation which
could not be regarded with equanimity for the possibility of the majority party in the
legislature “gerrymandering” the delimitation of the constituencies for its own
advantage could not be ignored. In the rest of India, under the Delimitation
Commission Act, 1952, a commission is required to be constituted for readjusting the
representation of the territorial constituencies of the House of the people and the
Legislative Assemblies of the Indian states as well as delimitation of constituencies.
This effectively excludes interference by political parties for their own advantage, a
determining factor in delimiting constituencies which has since 1966 been adopted in
Jammu and Kashmir also.

Under the Representation of the people Act, 1950, the power of the President
of India to determine the constituencies for elections to the Legislative Council of the
states is, in the case of Jammu and Kashmir, limited by section 50 of the state
Constitution, which deals with the composition of the Legislative Council in the state.
In Jammu and Kashmir the three constituencies consist of local authorities, teachers
and Panchayats, while in other states these consist of state legislatures, local
authorities, teachers and graduates. The members of Panchayats in Jammu and Kashmir are mostly nominees of the ruling party. The democratic principles might be better assured in Jammu and Kashmir by substituting graduates for the Panchayats. There might have been difficulties in creating a constituency for the graduates in the state in 1957 owing to the paucity of graduates, but the situation has since improved. So clauses (c) and (d) of section 50 (4) have been omitted by the Constitution of Jammu and Kashmir (50th Amendment) Act, 1963.\textsuperscript{211}

In many respects the laws and rules of the state of Jammu and Kashmir are modelled on the pattern of Indian laws and rules. However the provisions of Article 325-34 which deal with the elections to the parliament and the state legislature are not applicable to the state. This can possibly be explained by the fact that by Delhi Agreement of 1952, entry 72 of the Union list, dealing with elections is not applicable to the state. Jammu and Kashmir has been given a free hand to frame its own rules.

Before 1966 representatives of the state of Jammu and Kashmir to the House of the People (Lok Sabha) were elected indirectly by the state legislature and appointed to the parliament by the President of India. Moreover, this indirect election was not by proportional representation. Because of this indirect mode of elections for 6 seats, the opposition, even if united, could hardly hope to be represented. However, the election of four representatives to the Council of States (Rajya Sabha) is based on the same procedure as is adopted in the other Indian states. With the concurrence of state government indirect election to Lok Sabha was changed into direct election by Constitution order of 1966.\textsuperscript{212} While the Chief Election Commissioner of India is appointed by the President of India under the Article 324 of the Constitution of India, his appointment for the Jammu and Kashmir state must be made under section 138 of the constitution of Jammu and Kashmir as mentioned by the Constitution (First Amendment) Act, 1959. In Article 81 of the Constitution of India, for clause 2 and 3 the following clauses have been substituted:

(i) There shall be allotted to the state six seats in the House of the People;

(ii) The seats shall be divided into single member territorial constituencies by the delimitation commission constituted under the Delimitation Commission Act, 1962 in accordance with such procedure as the commission may deem fit;
The constituencies into which the state is divided shall not compromise the area under the occupation of Pakistan; and

Until the dissolution of the existing House of the people, the representatives of the state in that house shall be appointed by the President on the recommendation of the legislature of the state. 213

The People’s Representation Act, 1957 bars the jurisdiction of the civil courts:

To entertain or adjudicate upon any question, whether any person is or is not entitled to be registered in an electoral roll for a constituency;

To question the legality of any action taken by or under the authority of an electoral registrar or of any decision given by any authority appointed under this act in connection with an election.

The constitution of Jammu and Kashmir bars the interference by courts in electoral matters and this provision gave complete protection to the acceptance or rejection of the nomination papers by a returning officer from challenge in a court of law. So, except Jammu and Kashmir, in the rest of India Election Tribunals like any other Tribunal are under the “Superintendence and control” of the High Courts. However since, 1967, election tribunals no longer try election petitions in any part of the country. Sections 104 of the Constitution of Jammu and Kashmir which corresponds to Article 227 of the Constitution of India and of which it is an adaptation reads: The High Court shall have superintendence and control over all courts for the time being subject to its appellate or revisional jurisdiction and all such courts shall be subordinate to the High Court. Section 104 of the Jammu and Kashmir Constitution corresponds to article 227 of the Constitution of India and confers on the High Court the power of superintendence and control over the subordinate courts and not original jurisdiction.

It is significant that the word ‘Tribunal’ is absent from section 104 of the Constitution of Jammu and Kashmir, no tribunal in Jammu and Kashmir state is under the superintendence and control of the High Court. The High Courts’ superintendence and control is limited to the courts. An election tribunal is not a court in the accepted sense of word. The word ‘Tribunal’ has not been defined in the Constitution of the state and therefore it must have the same meaning as under Article 136 of the Constitution of India. 215 However, simply because the High Court has no
superintendence and control over the tribunal, it cannot be said that the High Courts cannot interfere with the decision of an Election tribunal. This problem however, has since ceased because section 88 (A) of the Jammu and Kashmir Representation of People Act, 1957 as amended by the Act IX of 1967, vests the power to try an election petition in the High Court and brings the position in the state at par with position in rest of the country in matters relating to “Disputes regarding elections”. This also shows the gradual shift of the state towards cordiality with rest of the country.

By the Amendment of the Constitution of Jammu and Kashmir in 1959, the appointment of Election Tribunal was to be made by the Election Commissioner of India and not the Sadr-i-Riyasat (now the Governor). But the laws of the state were to govern the choice of the Indian Election Commissioner in appointing an election tribunal for the state. He was obliged to appoint only such persons as are, in the opinion of the High court, qualified to be so appointed. This, however, is only of academic interest now because of Act XI of 1967, which has brought the position at par with the other states.

**Flag of the State**

Under the Constitution of Jammu and Kashmir state, the Flag of the state shall be rectangular in shape and red in colour with three equidistant white vertical stripes of equal width next to the stick/pole and a white plough in the middle with handle facing the stripes. The ratio of the length of the flag to its width shall be 3:2. However there is no provision in the Constitution of India regarding the state flag. On the recommendation of the Basic Principles Committee, the Constituent Assembly of the state took the decision on 7th June, 1952 that the state shall have its own flag. Therefore under Delhi Agreement, it was agreed that the state would retain its flag but the union flag would have a supremely distinctive place in the state. It was deemed necessary to receive the concurrence of the Central Government on these matters.

So the Jammu and Kashmir constituent Assembly discussed the arrangement and finally adopted a motion of approach on 19th August, 1952. The agreement was also discussed and accepted in Union parliament on 7th August, 1952. On 7th June, 1952 Sheikh Mohammad Abdullah moved a draft resolution in the Constituent Assembly which reads as under: “Resolved that the national Flag of Jammu and Kashmir state shall be rectangular in shape and red in colour with three equidistant
vertical strip of equal width next to the staff and a white plough in the middle with its handle facing the strips. The ratio of the width to the length of the flag shall be 2:3.”

Mr Mir Qasim, who was the secretary of the Drafting Committee of the Constitution proposed an amendment for deletion of the word ‘National’ occurring before the word flag. The amendment was accepted and the draft resolution was adopted. Finally on 6th November, 1956, clause 144 of the Draft Constitution regarding flag of the state was adopted. The State flag is a symbol of honour and an epitome of history, culture and civilisation of the state. It represents the three regions of the state and is a symbol of people’s hopes and aspirations. It is an expression and manifestation of feelings of allegiance and sentiments of pride for the nation. The flag denotes the unity of the workers, labourers and peasants, the downtrodden and weaker sections of the society.

Right to hoist the National and State Flag freely with respect and dignity is a fundamental right of a citizen within the meaning of article 19 (1a) of the Constitution of India being an expression and manifestation of his allegiance and feelings and sentiments of pride for the nation. The Fundamental Right to fly the National flag is not absolute but a qualified one being subject to reasonable restrictions under clause (2) of Article 19 of the Constitution of India.

The Emblems and Names Prevention of Improper Use Act, 1950 and The Prevention of Insults to National Honour Act, 1971 regulate the use of the National flag and both these mentioned rules equally apply to the state of Jammu and Kashmir. The Permanent Residents of the state have thus a fundamental right subject to the aforesaid observations to fly the national flag as well as the state flag. Article 51 A of the Constitution of India lays down fundamental duties of the citizens. One of the duties of the citizens is to abide by the constitution and respect its ideals and institutions, the national flag and the national emblem. This article has not been made applicable to the state of Jammu and Kashmir. The state constitution does not have any such provision. It is therefore, suggested that the state constitution should be amended and such a provision incorporated in order to ensure, interalia, the respect for the Constitution and the state flag etc. by the citizens. Though the fundamental duties are not enforceable by courts, but they serve as a valuable guide to the interpretation of the Constitution.
The Jammu and Kashmir Prevention of Insult to State Honour Act, 1979

On the analogy of the prevention of insult to National Honour 1971, the state legislature has also enacted a law to provide for the prevention of insult to state honour i.e. the Jammu and Kashmir prevention of insult to state Honour Act, 1979. Insult to the flag and the constitution of state is an offence and punishable under section 2 of this act. It provides:222 "Whoever in any public place or any other place within public view burns, mutilates, defaces, disfigures, destroys, tramples upon or otherwise brings into contempt (by words, spoken or written or by acts) the flag of the state or the Constitution of Jammu and Kashmir or any part thereof, shall be punished with imprisonment for a term which may extend to three years or with fine or both."

Official Language

The Official language of the state shall be Urdu, but the English language shall, unless the legislature by law provides, continue to be used for all the official purposes of the state for which it was being used immediately before the commencement of this Constitution.223 But the state legislature has not enacted any law on this matter and thus given permission for the use of English for all purposes for which it was being used before the commencement of this constitution, but in practice it is so.

Under rule 57 (2) of the Jammu and Kashmir High Court Rules, 1975, it is provided that all judgements and orders shall be written, recorded, drawn and signed either in English or in urdu. Thus, the High Court has to make use of Urdu or English to write judgement and orders and it cannot be said that Urdu is a language which is alien to the High Court. It is constitutionally recognised official language of the state and that of High Court. The proceedings in the subordinate courts or in the High courts may be taken in Urdu because it is the official language recognised by the Constitution of Jammu and Kashmir.224

On the other hand Article 343 of the Constitution of India declares that Hindi in Devenagri script shall be the official language of the Union. Article 348 states that until Parliament by law otherwise provide all proceedings in the Supreme Court and the High Courts’ shall be in English language. The change of medium in the law courts involves administrative hurdles and requires better preparation for the smooth
conduct of proceedings. Hence, it was left to the parliament to enact a law to this effect.

The official language Act, 1963 provides in section 7 that Hindi or official language of the state may be used for judgement, decree or order passed or made by a High Courts’ with the previous consent of the President. Article 348 (2) empowers the Governor with the previous consent of the President to authorise the use of Hindi or Official language of the state in the proceedings in the High Court. Only four High Courts i.e. Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, have obtained consent of the President under Section 7 of the official language Act, 1963. These High Courts are delivering a large number of judgements in Hindi.

Article 348, which interalia, provides for the use of English language in all proceedings in the Supreme Court and the High Courts’ applied to the state of Jammu and Kashmir so far as it relates to the language of the proceedings of the Supreme Court. Thus Jammu and Kashmir High Court is not bound by the mandate of Article 348 rather it can conduct its proceedings in Urdu. However, in practice English is the language in which the proceedings of the High Court are usually conducted and its judgements and orders are also delivered in English. So far Hindi has not entered the portals of the Supreme Court and Parliament has not enacted any law to this effect. The Supreme Court hears only those who file appeal or petition in English. The official language Act, 1963 has not been extended to the state of Jammu and Kashmir. Thus, the official language of the state shall be regulated as per the text of section 145 of the state Constitution.

The basic feature of the Constitution of Jammu and Kashmir as well as the Spirit underlying it, are well brought out in two speeches made in the Constituent Assembly on 10th October, 1956- one by the Chairman of the Drafting Committee G.L. Dogra and the other by the Secretary of the Drafting Committee, Mir Qasim. According to G.L. Dogra, the fundamental principle on which the draft is based are: “Parliamentary democracy, responsibility of the executive to the legislature, joint responsibility of the cabinet, separation of the various powers of the state.... and finally the rule of law”. Mr. Mir Qasim described the draft as representing the “sum total of all the aspirations and desires of the nation”. Thus the constitution does not leave scope for any differentiation in respect of the state of Jammu and Kashmir. The
state of Jammu and Kashmir is a part and parcel of the union of India under Section 3. Section 147 makes the position non-violable and irrevocable.228

The enforcement of the Constitution of Jammu and Kashmir on 26th January, 1957 was a great landmark in the annals of the state. The event was celebrated with tremendous joy and enthusiasm by the people throughout the length and breadth of Jammu and Kashmir. Messages were received from all over India congratulating the people of the state on their achievement of the goal of their struggle for the exercise of the right of self-determination.229 After the Constitution came into force, several measures were adopted to consolidate the state’s ties with the rest of the country. This process of bringing the state closer to the union Government of India was carried out by means of suitable amendments to the Constitution (Application to Jammu and Kashmir) order, 1954.

Jammu and Kashmir in Security Council Once Again

The progress of events in Jammu and Kashmir however upset Pakistan which was anxious to consolidate her aggression in the state by seeking help from her western allies. She requested the United Nations Security Council to discuss the Jammu and Kashmir issue once again. Accordingly United Nations Security Council met on 23rd January, 1957 at Lake Success and continued its deliberations on the subject for over a month.230 During the course of discussions in the Security Council, interested powers lent support to Pakistan in her attempts at unduly interfering in the process of the enforcement of the Constitution in the state.231

The five powers United States of America, Cuba, Australia, Colombia and United Kingdom introduced a resolution on 24th January, 1957, which reaffirmed that the future of Jammu and Kashmir should be decided by a plebiscite to be held under the United Nations auspices.232 This resolution sponsored by the western Powers was adopted by the Security Council on the night of 24th January, 1957 by ten votes to nil. Mr. Krishna Menon, India’s representative at the Security Council, strongly objected to the resolution and said, “The only effect it can have is to re-agitate this question”. It was not in conformity with the charter, whereby the United Nations was supposed to have “harmonizing influence”.233 He stated that “the Security Council, having heard statements from the representatives of the Governments of India and Pakistan….” It was a gross injustice done to India and showed the interest of the great powers, like the United States and the United Kingdom in making Jammu and
Kashmir a Pawn in the international chess board.\textsuperscript{234} The western powers approved in an implied manner a Pakistan suggestion to induct United Nations forces in the state “to overcome the difficulties of demilitarisation”. A resolution on the subject was also moved in the council. This resolution was, however, vetoed by the Soviet Union as it created fresh dangers to the world peace.\textsuperscript{235}

**Pakistan’s Reaction**

On 26\textsuperscript{th} January, 1957 the President of Pakistan Maj-Gen Iskander Mirza in a statement said that the resolution “Protects the people of Jammu and Kashmir from an imminent conspiracy to perpetuate their enslavement” and had vindicated the stand taken by Pakistan on the issues. In the light of this mandate of the Security Council, he stated, “all efforts of the puppet government of Jammu and Kashmir to go ahead with their designs of a merger with India are meaningless and should be ignored with contempt”.\textsuperscript{236}

**India’s Reaction**

The Indian Prime Minister Jawaharlal Nehru while speaking to the newsmen at Palam airport on 25\textsuperscript{th} January, 1957, said that he was ‘deeply pained’ at the manner in which the United Nations Security Council resolution was sponsored. It was extraordinary that the resolution should have been tabled “before really hearing the other side”.\textsuperscript{237} Addressing a huge public meeting in Madras on 31\textsuperscript{st} January, 1957 Jawaharlal Nehru declared that if he was convinced that he had not honoured any international commitments regarding the Jammu and Kashmir issue, he would either honour them or resign his Prime Ministership. He pointed out that India agreed to a plebiscite in Jammu and Kashmir on certain conditions and in a certain context of events. The very first condition was the withdrawal of Pakistani army from the territory of Jammu and Kashmir state which they had invaded. They have not done it even today. Any such conditional offer it is strictly conditioned cannot last forever and ever.

He added that he did not want Jammu and Kashmir in the name of Plebiscite “to be made the scene of a patricidal war which will spread to India and upset the delicate balance that has been established here”. Jawaharlal Nehru thought that it would be more becoming of Pakistan to have elections in its own country before talking about plebiscite in Jammu and Kashmir. Speaking about the military alliances,
he said “It is quite possible that it is due to all these military alliances that these strange resolutions are passed in regard to Jammu and Kashmir”. He added, “There has been a great fuss made about Jammu and Kashmir framing its constitution and accession to India. So far as I remember, the Pakistan Constitution has incorporated the part of Jammu and Kashmir in its state. Nobody shouted about it. The Security Council did not move when the fact was mentioned in the Security Council it did not apparently create any impression. It is an extraordinary thing that they did not apply their minds to it”.238

Thus the adoption of the two resolutions by the Security Council gave rise to a wave of indignation in India and people throughout the length and breadth of the country protested against them. In Jammu and Kashmir mass meetings and demonstrations were held condemning the United Nations Security Council resolutions.

Bakshi Ghulam Mohammad’s Reaction

The Jammu and Kashmir Prime Minister, Mr Bakshi Ghulam Mohammad, told newsmen in New Delhi on 5th February, 1957, that the question of plebiscite in Jammu and Kashmir was out dated and was thus ruled out. He said that the earlier proposals of demilitarisation could no longer apply in completely changed circumstances of the state. He added that he was opposed to the stationing of the United Nations forces even in Pakistan Occupied Kashmir, as it was Indian Territory, occupied illegally by Pakistan. Earlier on 30th January, Bakshi Ghulam Mohammad had declared in a public meeting at Jammu that,239 “Whatever the Security Council does, we have taken the decision of making the state an irrevocable part of India in 1947 and we stick to it today and shall stick to it forever. The Security Council or any other big power cannot thrust its decision upon the people of Jammu and Kashmir”.

Though the Security Council passed a resolution which was not fair to India, the members being victims of power politics, the world was convinced that it was not India, but Pakistan which by not clearing its aggression on Indian territory was holding up the solution to the Jammu and Kashmir situation.240

Krishna Menon’s Exposition of the Situation

During the course of debate on the resolutions, Indian representative at the Security Council, Sri Krishna Menon removed the cobwebs that had gathered around
the whole issue and brought back to light the basic resolution of 13th August, 1948. In his long and masterly speech, spread over nine meetings of the Security Council (23rd January, 1957 to 21st February, 1957) Mr. Menon put in right perspective India’s position on Jammu and Kashmir and showed that it was Pakistan that had failed to carry out its obligations and commitments of India and the United Nations. He made it clear that Jammu and Kashmir was an irrevocable part of India and the only issue before the Security Council was to ask Pakistan to vacate her aggression from the state.

Shri Krishna Menon added, “When initial Pakistani aggression had been made against Jammu and Kashmir in October, 1947, India could have entered the Pakistani territory, an act which was necessary for taking military action against the invaders. But mindful of the background of fratricidal strife accompanying the independence of India and Pakistan, India had wanted to settle the matter peacefully and approached the Security Council in January, 1948 to take measures for an end of Pakistani aggression on Indian soil”. He requested the Security Council that the Pakistan Government be asked to prevent tribal and Pakistan nationals from taking part in the fighting in Jammu and Kashmir state and to deny the use of its territory in operations against Jammu and Kashmir. He declared that the “state of Jammu and Kashmir is and shall be an integral part of India”.

So the decision of the people of the state to stay with India and understanding and unity among centre and state foiled the attempt of western powers to induct foreign troops on India’s soil. With this failure, the western quarters put forth amended resolution which contained no reference or suggestion to the despatch of United Nations troops to Jammu and Kashmir. Under the resolution, the Security Council appointed on 21st February, 1957, the Gunnar Jarring, the Swedish member of the council, as a mediator. He was directed to “examine with the Government of India and Pakistan any proposal which in his opinion are likely to contribute towards the settlement of the situation and visit the subcontinent for this purpose”.

Gunnar Jarring after discussing the matter with both Indian and Pakistan governments in March, 1957, submitted his report to the Security Council on 29th April, 1957. But Gunnar Jarring like other mediators failed to find a solution to the problem. The Security Council would not get the aggression vacated; Pakistan continued to remain in occupation of the two-fifth of the state.
Further, by the end of 1957, once again Dr. Graham was appointed the United Nations Representative to India and Pakistan to “make recommendations to both the parties for further appropriate action with a view to make progress towards the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13th August, 1948 and 5th January, 1949 and towards a peaceful settlement”. Dr. Graham arrived in New Delhi on 12th January, 1958. After some preliminary discussions with the Government of India, he went to Karachi on 17th January. He left the subcontinent for New York on 15th February, 1858. In his report to the Security Council, Dr. Graham again reported the failure of his mission. However, he made some important observations: “It should be noted that the position of this territory, Pakistan Occupied Jammu and Kashmir, is of peculiar nature. Its sovereignty rests with the state of Jammu and Kashmir but the full exercise of that sovereignty would be limited under the resolution of: (i) the surveillance of a United Nations Organ and (ii) the commitment by India that their forces would remain within the ceasefire line”.

In part III Para 15 of his report, Dr. Graham again favoured the stationing of the United Nations forces in the area called ‘Azad Kashmir’ after the evacuation of Pakistan forces. But India’s position with regard to this had been made clear a number of times; she would under no circumstances allow the induction of foreign troops into any part of Jammu and Kashmir.247

Thus, the decision of the people of the state of Jammu and Kashmir to stay with India and understanding and unity among centre and state foiled the attempt of western powers to induct foreign troops on India’s soil. Therefore, all over the world prominent political leaders and leading newspapers continued to support the decision of the people of the state to stay with India. During the year 1957 some leading political personages and newspaper correspondent visited the state. They paid glowing tributes to the people on the remarkable progress made by them in Jammu and Kashmir.

In the mean time former British Prime Minister Earl Clement Attlee, came on a three days visit to Kashmir, and wrote248 “.......I have had talks with Prime Minister Bakshi Ghulam Mohammad and his colleagues. I gather that the tension of a few years ago has relaxed and that everyone in Jammu and Kashmir, apart from the territories occupied by Pakistan, is convinced that the present division of the country
has come to stay. Certainly they are very busy with development plans which were badly needed in the formerly backward state. Education is making great strides both primary and advanced. We visited a girl college with 600 students.....I was assured that nowhere in India lies any type of communal tension. Certainly at the reception given to us there were more than 1500 guests who seemed representatives of every community. I also met trade union leaders, for labour is highly organised here. Tourism is of course of prime importance in Jammu and Kashmir and arrangements for the reception and care of tourists exceed anything I have seen elsewhere. Altogether my impression is that judging by results, the present regime is successful. It is also thoroughly democratic with local self government all the way up from the village. I think that Jammu and Kashmir has definitely opted for union with India”.

Further, a West German press delegation came to Jammu and Kashmir in February, 1957. Giving the impressions of their three day tour of the state they said that they were convinced of the fact that Indo-Kashmir relationship reflected the sentiments of the people of the state. They added “the delegation met many people and heard their point of views on all matters. Everyone we met stood behind the state’s accession to India”.  

Elections in 1957

Soon after the adoption of the Constitution, fresh General Elections were held throughout the state in March-April, 1957. Under Article 138 of the Constitution of Jammu and Kashmir, the superintendence, direction and control of the General elections remained vested in the state’s Election Commissioner appointed for the purpose by Sadar-i-Riyasat. Elections were timed with general elections in other parts of India. The National Conference in its manifesto pledged itself to the task of “defending the territorial integrity of the state as an integral part of India and for striving to liberate the area of the state aggressively occupied by Pakistan”. The manifesto also declared that the National Conference would defend the state’s new Constitution, strive for setting up a socialist society in the state and to banish unemployment, disease and illiteracy. The Praja Parishad stood for full integration of the state with the Indian Union and compensation to the erstwhile landlords. The policy of Praja Parishad on accession to India was the symbol of devotion to secularism.
According to the final result, out of 75 seats the national Conference won 68, the Praja Parishad 5 and one seat each to the Harijan Mandal and Independents. Thus, the elections to the state legislature gave overwhelming majority to the National Conference. The reason for the victory of National Conference was all round development in the state during the Prime Ministership of Bakshi Ghulam Mohammad. Further elections to 22 general seats of the Legislative Council were held in a meeting of the new Legislative Assembly at Srinagar immediately after the announcement of the results of the Doda and Ladakh Constituencies. In these elections all National Conference nominees were elected. The list of members to the Council was completed with the nomination of six members by the Sadar-i-Riyasat.

On the eve of the formation of the government in July, 1957 Bakshi Ghulam Mohammad was elected unanimously as the party leader of the National Conference and invited Ghulam Mohammad Sadiq to join the government. Ghulam Mohammad Sadiq agreed to come on the condition that his entire group was taken in the Council of Ministers. However Bakshi Ghulam Mohammad expressed his inability to do so as he was keen on introducing new blood in the cabinet and giving representation to certain backward regions of the state. The negotiations between them lasted for several days and ultimately Bakshi Ghulam Mohammad agreed to take four out of five ministers from the previous government, including himself. But Ghulam Mohammad Sadiq insisted on “All or None” and declined the offer to join the government. The new Government was sworn into office on 27th July, 1957 by the Sadar-i-Riyasat without inclusion of any one from Ghulam Mohammad Sadiq’s group.

Ghulam Mohammad Sadiq and five other members of his group resigned from the working committee of the National Conference on 6th August, 1957. Subsequently when the new legislature met on 21st August, 1957, Ghulam Mohammad Sadiq announced that nine members had seceded from the National Conference legislative party.

While accepting their resignations, the Bakshi Ghulam Mohammad said: “The Government and the party had to function as a team and in pursuing this aim personal positions and past sacrifices of even the most significant worker had to be given secondary importance”. In the beginning of September, 1957, seventeen dissident leaders of the National Conference appealed for the formation of a new
party. So, on 6th September, 1957, there emerged a new part called the ‘Democratic National Conference’. The breaking away of the Democratic National Conference did not in the first instance, have any marked impact on the government. Bakshi’s hold on party and the administration was absolute and at one time it seemed as though this would last forever.

The Democratic National Conference was also in favour of bringing the state closer to the Union of India and extending the Jurisdiction of the Election Commission of India to the state of Jammu and Kashmir. Along with this political development the process of integration of the state with the Indian Union was continuous. Following central Acts applied to the state of Jammu and Kashmir in the year 1957 with the consent of state government:

(i) The Copyright Act, 1957 (14 of 1957). This act repealed the Copy Right Act, 1914 which was made applicable to the state by the Jammu and Kashmir (Extension of laws) Act, 1956 (62 of 1956)

(ii) The Railway Protection forces Act, 1957 (23 of 1957)


(v) The Inter-state Corporation Act, 1957 (38 of 1957)

(vi) The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957)

(vii) The Navy Act, 1957 (62 of 1957), This act replaced the Indian Navy Discipline Act, 1934 which was made applicable to the state by Act 3 of 1951

(viii) By the Mines and Minerals (Regulation and Development) Act (67 of 1957)-The Oil field (Regulation and Development) Act, 1948 (53 of 1948) applied to the state. The original title of the Act was “The mines and minerals (Regulation and Development) Act, 1948” which has been substituted by the present title by Act 67 of 1957;

The application of these laws brought the state of Jammu and Kashmir further closer to India.

A more serious political development took place in 1958 with the release of Sheikh Abdullah. This decision was taken by Jawaharlal Nehru and implemented by Bakshi Ghulam Mohammad. On 8th January, 1958 Sheikh Abdullah was released from the Kud Jail. Jawaharlal Nehru and his advisor felt that he should be given a fair chance to adjust to the new realities. People of the Kashmir welcomed the release of Sheikh Abdullah and the whole of city came out with tremendous enthusiasm and spontaneous jubilation. In Srinagar he went from place to place and addressed a series of meetings where he launched an angry and powerful tirade against Bakshi Ghulam Mohammad and the Government of India. Going back on his previous stand, that the state was an integral part of India, he insisted that the accession was provisional and that it could only be settled after the Kashmiri Muslims had exercised their ‘right of self determination’.

On 13th January, 1958, he delivered his first speech after 9th August, 1953 detention in Hazratbal, on the occasion of Hazrat Sidiq’s annivarsary. In the course of his speech he said, “No solution can accord peace and certainty to the people of Jammu and Kashmir which fails to recognise the right of self determination to Kashmir people”. Referring to 9th August, 1953 incident he said: “9th August was a blessing in disguise because on that day a rude shock gave us the realisation of our weakness......We realised on that day that in the presence of Jawaharlal Nehru democracy in Jammu and Kashmir could be murdered in a cold blooded manner.....”

For three months Sheikh Abdullah was active in whipping up political and religious oriented mass hysteria against the Bakshi regime in particular and India in general. In a series of speeches he had many times reiterated that Jammu and Kashmir is an international problem and cannot be settled without reference to people. It was clear that he had decided to utilise the Plebiscite Front, earlier established by his Chief Lieutenant Mirza Afzal Beg, as his main political vehicle for capturing power. This was undoubtedly an anti-India organisation. There were frequent clashes between the Plebiscite front and National Conference workers, thus disturbing whole valley. Therefore, it was decided by the Central and State Government that his
activities were compromising the national Interest and was again arrested under the preventive detention Act on 29th April, 1958 and was sent to Kud jail.

On 29th May, a complaint was lodged in the court of law against Mirza Afzal Beg and twenty others, including four Pakistani Intelligence Officers, who were charged with acts of conspiracy to overthrow the state government and to facilitate wrongful annexation of Jammu and Kashmir by Pakistan. The trial started in Kud from 11 June, 1958, assumed the name of Kashmir Conspiracy case. Sheikh Abdullah was also put in the list of accused in the case.267

Meanwhile Democratic National Conference, formed by Ghulam Mohammad Sadiq, introduced in the state legislature a motion in August, 1958 which sought to vest the responsibility for the superintendence, direction and control of elections to the two houses of the state legislature as well as the duty of preparation of electoral rolls for the conduct of those elections to the Election Commission of India.268 Regarding this Ghulam Mohammad Sadiq said that “it was imperative to extend jurisdiction of the Election Commission of India to the state”. When law minister observed that it might entail an amendment of the Constitution he retorted that if so, such an amendment should be carried out in the interest of free and fair elections. The right of the people to vote was not safe, according to him in the hands of the local machinery.269 Prem Nath Dogra, speaking for the motion, observed “while we claim to be an integral part of the Union of India, there is no reason why we should not enjoy the benefits of those institutions”.270 On 12th August, 1956 Lok Sabha passed the bill extending the Indian Administrative Services and Indian Police Services to the state of Jammu and Kashmir with the concurrence of the state government which would bring cooperation, efficiency and uniformity in the administration of the whole country. This was another step that brought the state closer to rest of the country.271 In this way during the year 1958 some more central laws were made applicable to the state with its concurrence.

(i) By the Poisons (Amendment) Act, 1958 (47 of 1958)- The poisons Act, 1919 (12 of 1919) was applied to the state;

(ii) By the Central Sales tax (Amendment) Act, 1958 (5 of 1958) the Central Sales Tax Act, 1956 (74 of 1956) applied to the state;
(iii) By the All India Services (Amendment) Act, 25 of 1958- the All India Services Act, 1951 (61 of 1951) was applied to the state;

(iv) The Mineral products (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958) was applied to the state. The word ‘Oils’ was substituted by the word ‘products’ by Act 41 of 1964;

(v) The Sugar Export Promotion Act, 1958 (30 of 1958) was applied;

(vi) The International Finance Corporation (Status, Immunities and privileges) Act, 1958 (48 of 1958) was applied

(vii) The Trade and Merchandise Marls Act, 1958 (43 of 1958) was applied. This act replaces: (1) The merchandise marks Act, 1889 and (2) The Trade Marks Act, 1940 which were made applicable to the state by Act 62 of 1956.272

Abolition of Permit System

On 1st April, 1959 Bakshi Ghulam Mohammad abolished the permit system (where by even Indians needed a permit to enter the state). It was an important step on the part of the government to bring state closer to the rest of the country.273

As a result the value of the existing road permits vanished. Several vehicles came in and as a result travelling for the public was comfortable which increased people to people contact between state and rest of India. Number of tourists visiting the state also increased. For Example number of tourists who visited the state in 1957 was 43,018 whereas in 1959 tourist number increased to 71,220.274 An equally positive effect on goods transport brought about substantial change and thus increased the trade relations between state and rest of India. The financial status of the State Road Transport Corporation improved as a result of its exclusive privilege to ply vehicles on the Jammu-Pathankote road.275

In 1959 the ruling party in state, the National Conference, introduced a resolution in the legislative Assembly aimed at securing the extension of the jurisdiction of the Election Commission and the Supreme Court to the state of Jammu and Kashmir.276 Speaking in support of the resolution, D.P. Dhar said: “Courts of justice and institutions like the Election Commission have a direct bearing on the solidarity and integrity of the country and the people. Therefore, it is necessary that
the laws governing these institutions should be uniform in the whole of the country”.

By adopting the resolution the legislature gave its approval to:

(i) the application of the jurisdiction of the Election Commission of India to the state of Jammu and Kashmir and

(ii) the application of the jurisdiction of the Supreme Court to the State of Jammu and Kashmir under Article 136 relating to granting special leave appeal from any court or tribunal in India.

This extension of the jurisdiction of the Election Commission to the state of Jammu and Kashmir would make election procedure uniform. All members belonging to the national Conference and the Democratic national Conference hailed the occasion as historic and momentous.

Bakshi Ghulam Mohammad said, “..... the extension of the jurisdiction of the Supreme Court and the Election Commission to the state would not affect the special status of the state but make it a more integral part of the Indian Union”. On 13th October, 1959 the Constitution of Jammu and Kashmir (First Amendment) Act was passed to extend the jurisdiction of the Supreme Court and Election Commission of India to the state. It enabled the Election Commission to appoint Election Tribunals for decision of doubts and disputes in the state. It also brought the state High Court at par with other High Courts of country. Accordingly on 26th January, 1960 the President of India promulgated an ordinance extending the jurisdiction of the Supreme Court and the Election Commission of India to the state. These measures are symbolic of the determination of the people of the state to integrate their hopes and fortunes with those of the rest of India.

The application of Central laws continued during the year 1959 and following laws were made applicable to the state of Jammu and Kashmir:

(i) By the Census (Amendment) Act, 1959 (22 of 1959)- The Census Act of 1948 (37 of 1948) applied to the state;

(ii) The parliament (Prevention of disqualification) Act, 1959 (10 of 1959);

(iii) The Government Savings Certificate Act, 1959 (46 of 1959);

(iv) The Haj Committee Act, 1959 (51 of 1959);
The Arms Act, 1959 (54 of 1959). This Act replaced the Indian Arms Act, 1878 which was made applicable to the state by the Act 3 of 1951;

The Indian Statistical Institute Act, 1959 (5 of 1959);

The sugar (Special Excise Duty) Act, 1959 (58 of 1959).

Some important developments took place in the year 1960. The opening of Srinagar-Leh road in 1960 marked a historic event as far as that far flung and backward district was concerned. Another vital road linking Udhampur with Dhar in Himachal Pradesh was also inaugurated in 1960, which not only opened up inaccessible areas of the Jammu region but had great military importance because Udhampur was and remains an important Military base. In same year Jawaharlal Nehru, Dr Radhakrishnan, King Mahendra of Nepal and number of other dignitaries visited the state which gave the people of Jammu and Kashmir the continued opportunity to entertain and interact with these personalities.

As the year 1960 was important for opening of Leh-Srinagar and Udhampur-Dhar roads, it was also significant in the sense that some more Central laws were made applicable to the state during 1960 and 1961 like:


(ii) The International development Association (Status Immunities and Privileges) Act, 1960 (32 of 1960)

(iii) The Preference Shares (Regulation of Dividends) Act, 1960 (63 of 1960)

(iv) By the Standard of Weights and Measures (Amendment) Act, 1960 (41 of 1960)-The standards of weights and measures Act, 1956 (89 of 1956)


(vi) By the Indian Standards Institution (Certificate marks) Amendment Act, 1961 (44 of 1961) - The Indian Standards Institutions (Certification marks) Act, 1952 (36 of 1952)

(vii) By the Industries (Development and Regulation) Amendment Act, 1961 (51 of 1961)- The Industries (Development and Regulation) Act, 1951 (65 of 1951)
(viii) The Income Tax Act (43 of 1961). This Act replaces the Act of 1922 which was made applicable to the state by Act 41 of 1954

(ix) The Foreign Awards (Recognition and Enforcement) Act, 1961 (45 of 1961)

(x) The Voluntary Surrender of Salaries (Exemption of Taxation) Act, 1961 (45 of 1961)

(xi) The Deposit Insurance Corporation Act, 1961 (47 of 1961)

(xii) The Institutes of Technology Act, 1961 (59 of 1961)\(^{286}\)

Application of the above mentioned central laws to the state of Jammu and Kashmir was another step towards the development of closer Centre-State relations.

Meanwhile the National leaders and the press were alarmed over the “disunity in the ranks of nationalist forces”\(^ {287}\). The two parties were reunited mainly at the initiative of Jawaharlal Nehru and the intervention of Indira Gandhi. At the end of November, 1961 the talks between Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq led to a rapprochement whereby the Democratic National Conference was wound up and the cabinet expanded to include Ghulam Mohammad Sadiq himself and three of his colleagues, G.L. Dogra, Mir Qasim and D.P. Dhar in 1961.\(^ {288}\) Thus on 5\(^{th}\) December, 1961 the two parties, National Conference and Democratic National Conference, merged together. Regarding this Pyarelal Kaul stated, “People and democracy was given a setback always in Jammu and Kashmir by the leaders themselves, either by misguiding the people or leaving them in the lurch. The Government never pondered over such happenings and the result was to come out in the distant future”\(^ {289}\). However, this was a welcome development, as the rift within pro-Indian Kashmiri ranks was not in the broader national interest and the event was hailed by political pundits as a triumph of national interest.

In April, 1961. Maharaja Hari Singh died in Bombay after his exile from state in 1949. After this incident Sadar-i-Riyasat Karan Singh wrote to Jawaharlal Nehru regarding the notification which records the formal recognition by the Government of India of a successor when any of the former ruler died, a legal and constitutional requirement from the accession of the princely states to the Indian union. At Jawaharlal Nehru’s suggestion Sadar-i-Riyasat visited Delhi in June, 1961 and had discussion with Lal Bahadur Shastri, the then Home Minister.
Clearly, the Prime Minister was not entirely easy with whole question of princely titles and thought that this would be a good occasion to start making some modifications. The state government was also allergic to the title of Maharaja being conferred on Karan Singh, because of the Constituent Assembly’s abolition of the monarchy several years ago. In fact, Karan Singh’s recognition as successor to his father was a Constitutional necessity, but there was some discussion regarding the modalities to be adopted. Ultimately at Jawaharlal Nehru’s suggestion, conveyed to Sadar-i-Riyasat Karan Singh through Lal Bahadur Shastri, Karan Singh agreed not to use the title as long as he was Sadar-i-Riyasat. So Karan Singh wrote to Shastri ji on 7th July, 1961 that he will not use title of his father but would like to be addressed as ‘Shri Karan Singh’.

On 10th July 1961 the Government of India issued an official notification, signed by the then Home Secretary B.N. Jha which read as follows: In pursuance of clause 22 of Article 366 of the Constitution of India, the President is hereby pleased to recognise Yuvraj Karan Singh as successor to His Highness Maharaja Hari Singh Indar Mahinder Bahadur with effect from 26th April, 1961. This was accompanied by a press note which mentioned that the Government of India had been intimated that as long as Karan Singh was Sadar-i-Riyasat he did not wish to use the title of ‘His Highness’ and ‘Maharaja’ and would like ‘Shri Karan Singh’. The note went on to say that ‘the Government of India have noted with appreciation this request of Shri Karan Singh and will give effect to it’. As far as the privy purse was concerned, he was given the ten lakhs that his father had been receiving, out of which one lakh was earmarked for his mother for her life time. In view of the enhanced purse, Shri Karan Singh decided to discontinue drawing the salary of Rs. 5,500 per month as Sadar-i-Riyasat, a gesture that was ‘gratefully accepted’ by the council of minister headed by Bakshi Ghulam Mohammad.

The second elections to the state legislative Assembly were held in 1962 alongwith the General elections in India. As a result the National Conference won 70 seats out of 75. This overwhelming majority of National Conference was because during previous five years of the Bakshi’s Government there had been an all round progress in the state and merger of national Conference and Democratic National Conference also contributed to their victory of National Conference. Bakshi Ghulam Mohammad never favoured merger of his National Conference with Indian National
Congress. He had a strong weakness for the National Conference and therefore, he believed that it had its own traditions and its following has certain sentiments which needed to be respected.\textsuperscript{294} Meanwhile the third General Elections had been held for the Lok Sabha and Jawaharlal Nehru had once again returned to power.\textsuperscript{295}

In April-May, 1962 the Security Council once again debated the Jammu and Kashmir question at Pakistan's request which reminded both the parties of previous resolutions of the United Nations Commission for India and Pakistan and requested the acting Secretary General, U. Thant, "\textit{to provide the governments with such services as they may require for carrying out the terms of this resolution}". The resolution asked the two countries to solve the Jammu and Kashmir problem by using the provisions of the United Nations Charter by negotiations, mediation, arbitration or any other mode of choice. This very innocuous resolution was vetoed by the Soviet Union. On 22\textsuperscript{nd} June, 1962, the council voted on the resolution. The vote was 7:4 in favour, two abstentions (Ghana and UAR) while Rumania and the Soviet Union voted against it. Thanks to the Soviet Union veto, the resolution could not be adopted.\textsuperscript{296} However, Krishna Menon ably refuted the arguments of Mr. Zafarullah Khan, who represented Pakistan. Once again Mr. Menon explained Indian case and showed that India's original complaint, namely Pakistan aggression on Indian Territory in Jammu and Kashmir, stood unresolved. He pointed out that conditions on the Indian sub-continent had changed materially since 1947 and the solution of question was not feasible by holding a plebiscite.\textsuperscript{297}

\textbf{Plebiscite Ruled Out}

Conditions in Jammu and Kashmir had materially altered since the accession of the state to Union of India. During these years the free part of the state had made all round progress politically, economically and socially. Land reforms had been implemented, canals dug, a network of roads built. The tourist trade was flourishing, some 71,000 tourists including about 11,000 foreigners having visited the state in 1961. Education had been made free from the primary to the post graduate level. New schools and colleges had been opened, dispensaries and hospitals established.\textsuperscript{298} Refugees were rehabilitated and development plans were being implemented courageously and with enthusiasm.

In the first five year plan the state laid out £ 9 million; in the second five year plan about £ 27 million. Provision had been made in the third plan for £ 60 million.
The conditions were thus quite different from those in 1947. To have a plebiscite would amount to throwing all this progress to the wind by creating uncertainty and chaos which might throw open the flood gates of communal disorder not only in Jammu and Kashmir but in Pakistan too. Another factor which had altered the position was the added military strength of Pakistan by the supply of very considerable quantities of war material to that country by United States of America. India had been given assurances by United States of America that these arms would not be used against her, but from the statements of responsible people in Pakistan, it was apparent that with the arms aid Pakistan aimed at negotiating with India from a position of strength.

The only basis for holding the plebiscite was the resolution of 5th January, 1949 which provided a plan. But the conditions for implementing the plan were not fulfilled by Pakistan. For fourteen years Pakistan had been continuing the aggression. Meanwhile three general elections had been held in Jammu and Kashmir and the people had unequivocally ratified the state’s accession to India. Over seventy thousand tourists, many of them from foreign countries, visited the state every year and went about the valley without hindrances. This testified to the normal and peaceful conditions prevailing there. Mr Menon said, “Now after the lapse of 14 years we are not prepared to do anything in any part of India that will undermine and sake the stability of our country or create conditions of trouble in South East Asia”.

By the end of 1962 China launched an unprovoked invasion against India. Pakistan, which for over two years had been making overtures to China to enter into some sort of agreement with her against India, tried now to play a double game. Her western allies were in a quandary. Pakistan, which they had assiduously built as a bastion against China was playing them false due to her ingrained hatred for India. They wanted now to repair the breach and asked Pakistan not to play an active role on the side of China. But Pakistan demanded a price and the price was Jammu and Kashmir.

So Anglo-American, friends of Pakistan, turned to India as usual. Due to the efforts of the Commonwealth Relations Secretary, Mr Duncan Sandys and Mr Averell Harriman, the United States Assistant Secretary of State, Mr Jawaharlal Nehru and President Ayub Khan issued a joint statement on 29th November, 1962, in which they announced that they had “agreed that a renewed effort should be made to resolve the
outstanding differences between the two countries on Jammu and Kashmir and other matters so as to enable India and Pakistan to live side by side in peace and friendship. Initially the discussion was conducted at the ministerial level. Accordingly Sardar Swaran Singh, India’s then Railway Minister and Zulfikar Ali Bhutto, Foreign Minister of Pakistan representing their respective countries met at Rawalpindi on 27th December, 1962. Sardar Swaran Singh expressed India’s desire for “mutually” beneficial cooperation based friendship between the two countries.”

After Rawalpindi discussion these ministerial talks were continued in New Delhi from 16th January, 1963 to 19th January, 1963; in Karachi from 8th February to 10 February; in Calcutta from 12th march to 14th march; and again in Karachi from 22nd April to 25th April, 1963. During the first plenary meeting, the Pakistan representative expressed his disinclination to discuss any of the Indo-Pakistan differences other than the Kashmir question. When India agreed to this procedure even, Pakistan insisted to enter into futile discussions on the old idea of plebiscite which chiefly because of Pakistan’s own acts of obstruction and non-implementation of the United Nations Commission’s resolution, had already proved to be impracticable, particularly in light of irreversible changed conditions in the last fifteen years.

And to sound the death-knell of the talks Pakistan entered into an agreement with China. After Karachi talks Zulfikar Ali Bhutto visited Peking and signed an agreement on 2nd March, 1963, under which Pakistan gave away as much as two thousand square miles of territory of Jammu and Kashmir state to China. It was the alignment of the border between Sinkiang and the part of Jammu and Kashmir illegally occupied by Pakistan. It was a hard meal for even Pakistan’s western allies to digest. A bitter criticism voiced in the Anglo-American press over her attempts at blackmailing India and for her opportunistic foreign policy. Thus initiating a collaboration that was to have momentous implication and which continues down to this day. Finally the Indo-Pak talks ended in a deadlock after resumption in New Delhi from 6th May to 16th May, 1963.

However, India made it clear at the end of the talks, which she had withdrawn all those political concessions in Jammu and Kashmir which she had offered, for the sake of a settlement during the course of the ministerial discussions. Meanwhile in May, 1963 the National Conference working Committee meeting was held in Srinagar
in which its members passed a long resolution reaffirming the stand that Jammu and Kashmir was and would remain an integral part of India. Jawaharlal Nehru was greatly perturbed by the Chinese aggression. The premise of his foreign policy was completely demolished. India’s international prestige was tarnished and her integrity questioned. Also after the Chinese aggression of 1962, Jawaharlal Nehru’s health sharply deteriorated. After Chinese Aggression, Jawaharlal Nehru came to the conclusion that masses in India had not yet become conscious of their rights and obligations and it was, therefore, imperative to involve the youth in the national task. He thought that it was now time for elder statesmen and leaders to make room for the younger generation.

So, Jawaharlal Nehru proposed that some senior cabinet ministers, as well as Chief Ministers should resign from their posts and start working at the party level in order to revitalise the Congress. K. Kamaraj, a congress leader from Madras presented the formula under which all the central and state senior ministers were required to hand over their resignations to the Prime Minister of India and the latter was authorised to take appropriate decisions regarding these resignations. The Congress did not at that time exist in Jammu and Kashmir, though the ruling National Conference was closely allied with it, and it was expected that the plan would not apply to the state of Jammu and Kashmir. However, Bakshi Ghulam Mohammad was offered to resign under Kamraj plan because of three reasons. First he was painted as a betrayer of the Kashmir cause; the plebiscite front carried a virulent propaganda against him. Secondly his political rival within the National Conference continuously sniped at him and carried tales to New Delhi. Thirdly, the coterie around Bakshi Ghulam Mohammad built a system of personal and political patronage and indulged in gross nepotism and corruption. Thus, despite constructive and development oriented outlook of Bakshi Ghulam Mohammad, his resignation was accepted by Jawaharlal Nehru on 4th October 1963.

On 10th October, 1963, in a meeting of National Conference Parliamentary party where out of 101 members of both houses 86 were present because G.M. Sadiq and his colleagues did not attend, Bakshi Ghulam Mohammad proposed the name of Khwaja Shamasuddin, Revenue Minister in the outgoing cabinet, as leader and this was seconded by Bakshi Rashid. Khwaja Shamasuddin was elected unanimously and in his acceptance speech he said that his greatest ambition was to follow in the
footsteps of Bakshi Ghulam Mohammad and added that the day, Bakshi agreed to return as leader of the party, would be the happiest day of his life. The report of the parliamentary party meeting was conveyed to Sadar-i-Riyasat in writing by the parliamentary party secretary, Sardar Kulbir Singh, who attached a list of the 86 members who had voted. Accordingly on the morning of 12th October, 1963, Shamsuddin was sworn in as new Prime Minister of Jammu and Kashmir state and a new cabinet was constituted with 6 cabinet ministers and 4 ministers of state.

During the year 1963 the President of India issued the Constitution (Application to Jammu and Kashmir) Amendment Order, 1963 (Constitution order 66 dated 25-9-1963) under which following central laws were made applicable to the state of Jammu and Kashmir:

(i) The Agriculture Re-finance corporation Act, 1963 (10 of 1963);
(ii) The Marine Insurance Act, 1963 (11 of 1963);
(iii) The Super profits Tax Act, 1963 (14 of 1963);
(iv) The Compulsory Deposit Scheme Act, 1963 (21 of 1963);
(v) The Export (Quality, Control and Inspection) Act, 1963 (22 of 1963);
(vi) The Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963);
(vii) The Textiles Committee Act, 1963 (41 of 1963);
(viii) The Administrators General Act, 1963 (45 of 1963);
(ix) The Unit Trust of India, 1963 (52 of 1963);

Thus ended a full decade of Bakshi Ghulam Mohammad. During his rule the pace of economic development activities and several significant measures were taken to strengthen the Constitutional, legal, financial and administrative links between the state and rest of India. All this goes to the credit of Bakshi Ghulam Mohammad and his endearing human qualities, including excellent personal relations with Muslims as well as Hindus.

Bakshi rendered significant service to the nation at a very crucial juncture. The process of integration was continued by him right to the end. For instance a few days before Bakshi relinquished office he sent a memorandum to Sadar-i-Riyasat on 3rd
October, 1963, in which he made two important political announcements. During a debate in the legislative council he wrote: “As this is the last session of the Legislative Council to be attended by me as Prime Minister of the state, I make an announcement of the following policy directives for implementation by the successor government: (i) that the designation of the Head of the state (Sadar-i-Riyasat) and that of the Head of the Government (Prime Minister) should be changed to ‘Governor’ and the ‘Chief Minister’ respectively, as in other states of the country; and (ii) that there should be direct elections to the parliament instead of the Present system of nomination, of course, after the present emergency is over.”

In the last two years of his reign, the Bakshi Ghulam Mohammad’s government had worked miracles in bolstering up the morale and economy of the state beyond recognition. The rising figures of visiting tourists are a reliable index of the sense of security and political stability in the state, which is humming with constructive nation building activity, increasing employment to the people and building better and higher standards of living for them. The Prime Minister Bakshi Ghulam Mohammad moved unescorted among crowds who garlanded him and peasants showered lumps of sugar, signifying a sweet welcome on his car while everywhere there were shouts of ‘long live’ and women sang ‘our bread winner has come’. During Bakshi Ghulam Mohammad’s regime no body dared to raise any slogan in favour of Pakistan or independent Kashmir, nor any voice against India or Kashmir’s accession to India was heard anywhere. Even the pro-Pakistan elements did not dare to listen to ‘Radio Azad Kashmir’ or ‘Radio Pakistan’.

Regarding the all round development of Jammu and Kashmir under the Prime Ministership of Bakshi Ghulam Mohammad, Union Home Minister, Shri G.B. Pant said, “The path followed by Bakshi Ghulam Mohammad, is acknowledged to be right path by the people. It is gratifying that poverty is being banished from Jammu and Kashmir and arts and crafts here are flourishing. The products of this land are finding good markets. The necessaries of life are available at cheaper rates as compared with any other part of India. The tourists are flocking to this place in ever increasing numbers every year. All this is possible because of the natural relationship subsisting between India and Jammu and Kashmir. In order to resist evil eyes, it is absolutely necessary that Jammu and Kashmir and India remain steadfast and united. United they will be able to serve each other well and therein lies their glory."
The endeavour made by Bakshi Ghulam Mohammad and his colleagues for the development of the state is in no way small. Jammu and Kashmir and India have been and will always remain one. Our good will towards Jammu and Kashmir actually constitutes good will towards our selves. Those who try to drive a wedge between India and Jammu and Kashmir have no place within and outside the state.”


2 Ibid., p.39.


5 Ibid., pp.1-2 Also Kaul, Pyarelal, op.cit., p.82.

6 Crisis in Kashmir Explained, Text of Policy speech broadcast by Bakshi Ghulam Mohammad, op.cit., p.2 and 3.

7 Vasudeva, Veena, op.cit., p.66.

8 Ibid., p.66.

9 Unanimous vote of Confidence in Bakshi Government (An account of the proceedings of the state Legislature on the motion of Confidence in Bakshi Government adopted on 5th October, 1953), op.cit., p.3.

10 Ibid., p.3.

11 Bamzai, P. N.K., Culture and Political History of Kashmir, op.cit., p.811.


13 Kaul, Pyarelal, op.cit., p.93.


15 Unanimous vote of Confidence in Bakshi Government (An account of the proceedings of the state Legislature on the motion of Confidence in Bakshi Government adopted on 5th October, 1953), op.cit., pp.3-5.

16 Ibid., pp.3-5.


18 Maharaj, Kishen was the District magistrate of Srinagar during the ‘Quit Kashmir’ movement.

19 Ibid., p.18.

20 Ibid., p.19.

21 Ibid., p.20.
22 Ibid., p.21.
24 Kaul, Pyarelal, op.cit., p.79.
25 Ibid., p.20.
26 Ibid., pp.79-80.
27 Jawaharlal Nehru, Selected speeches, volume III, 1953-57, op.cit., p.211.
28 Ibid., p.211.
29 Maulana Mohammad Syed Masoodi was the General Secretary of the ruling National Conference in 1953.
30 The Indian Express, 24th October, 1976, p.1.
31 Quoted by, Kaul, Pyarelal, op.cit., p.80.
32 Ibid., p.1.
34 Karan Singh, Sadar-i-Riyasat, op.cit., p.2 and 3.
36 Bamzai, P.N.K., Cultural and Political History of Kashmir, op.cit., p.612.
37 Kaul, Pyarelal, op.cit., pp.82-83.
38 Ibid., p.89.
39 Ibid., p.92.
40 These Committees were reconstituted by Bakshi Government because these were already set up in November, 1951 by the Constituent Assembly.
42 Jammu and Kashmir 1949-64, Select Correspondence between Jawaharlal Nehru and Karan Singh, op.cit., p.150.
43 Reports of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship, op.cit., p.5.
44 Sharma, S.K., op.cit., p.42.
46 Ibid., p.12.
47 Ibid., p.22.
48 Karan Singh, Sadar-i-Riyasat, op.cit., p.11.
49 Jammu and Kashmir 1949-64, Select Correspondence between Jawaharlal Nehru and Karan Singh, op.cit., p.149.
50 Karan Singh, Sadar-i-Riyasat, op.cit., p.11.
51 Ibid., p.12.
52 Lars Blinkberg, op.cit., p.195.
Schedule V of the Constitution of India relates to the administration and control of Scheduled Areas and Scheduled tribes. Schedule VI provides for the administration of tribal areas in states of Assam and Meghalaya and in the Union territory of Mizoram.


Karan Singh, Sadar-i-Riyasat, *op.cit.*, p.3.


Hari Ram, *op.cit.*, p.90.

Kashmir as others see it, Special Correspondent, The Economist, London, p.4.

Kashmir as others see it, Special Correspondent, News Chronicle, London, p.5.

Kashmir as others see it, Special Correspondent, Hindustan Times, p.7.

The Tunnel was officially named Jawahar Tunnel after the name of then Prime Minister, Jawahar Lal Nehru.


In 1834 Ladakh was conquered by Maharaja Ghulab Singh’s Soldiers.


Ibid., p.27.

Ibid., p.28.

Kashmir as others see it, Special Correspondent, The Economist, London, p.4.

Kashmir as others see it, Special Correspondent, News Chronicle, London, p.5.

Kashmir as others see it, Special Correspondent, Hindustan Times, p.7.


Ibid., p.15.


Ibid., p.15.

The Tunnel was officially named Jawahar Tunnel after the name of then Prime Minister, Jawahar Lal Nehru.


Ibid., p.166.

Ibid., p.167.

Ibid., p.168.


Ibid., p.21.

Ibid., p.15.


Ibid., p.437.

Kashmir as others see it, Political Correspondent, Amrit Bazar Patrika, p.9.


Ibid., p.1.

Ibid., p.3.

Ibid., p.3.

A trak is nearly equivalent to 6 seers, Kashmir marches Ahead, A Review of progress, op.cit., p.2.

Kashmir as others see it, Shri P.R. Deshmukh, Union Minister for Agriculture and forests, pp.20-21.

Reply to critics, Text of the Speech of Bakshi Ghulam Mohammad, Prime Minister, Jammu and Kashmir in the State Assembly on 5th March, 1955, op.cit., p.3.


The Times of India, Directory and Year Book, 1957-58, op.cit., p.750.


Ibid., p.30.


Ibid., p.13.

Ibid., p.13.

Ibid., p.114.


Ibid., p.245-271.

Karan Singh, Sadar-i-Riyasat, op.cit., p.15.


ABC of the Kashmir Question, September, 1964, New Delhi, p.16.


Bamzai, P.N.K., Kashmir and Power politics from Lake success to Tashkent, op.cit., p.237.

Bamzai, P.N.K., Kashmir and Power politics from Lake success to Tashkent, op.cit., p.239.


Bamzai, P.N.K., Kashmir and Power politics from Lake success to Tashkent, op.cit., p.237.

Bamzai, P.N.K., Kashmir and Power politics from Lake success to Tashkent, op.cit., p.239.


Madhok, Balraj, op.cit., p.128.


Madhok, Balraj, op.cit., p.194.


Madhok, Balraj, op.cit., pp.129-130.

Kashmir as others see it, Special correspondent, N.S. Khrouchtchev, Member of the Presidium of the Supreme Soviet of USSR, p.22.

Fazili, Manzoor, op.cit., p.47.


Karan Singh, Sadar-i-Riyasat, op.cit., p.28.


The Constitution of India, Article 1 (1) reads “India, that Bharat, shall be a union of states”, The Constitution of India (As modified up to 1st December, 2007), Government of India, Ministry of Law and Justice, p.2.


Article 1, Constitution of India.

First Schedule, Constitution of India.

Section 4 of the Constitution of Jammu and Kashmir state. Thus the territory occupied by Pakistan (POK), territory handed by Pakistan to China in Gilgit and territory directly held by China in Aksai Chin sector (1958-62) of Ladakh; legally and Constitutionally forms the territory of the state and therefore of the Indian Union.


Article 3, Constitution of India.


Reports of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship, *op.cit.*, p.9.
Article 372 of the Constitution of India provides that laws in force in any part of the territory of India would continue to remain in force till repeated by an enactment.


Bicameral legislature means two Houses of the legislature of a state, one shall be known as the Legislative Assembly and the other as the Legislative Council and where there is only one House, it shall be known as the Legislative Assembly.


Chief Justice Mehrchand Mahajan, Justice S.R. Das and Justice Ghulam Hasan were part of the special Bench held its sitting in Srinagar to dispose of such appeals and proceedings which were pending before the Board of Judicial Advisors.


Ibid., Section 99.


Ibid., p.300.

Ibid., P.301.


Ibid., p.326.


Act 4 of 1957 (People’s Representation Act).

Section 4 and 5 of Act 4 of 1957 (People’s Representation Act).

Section 7 of Act 4 of 1957 (People’s Representation Act).


The number of students who graduated in 1960-61 was 691 and this number has been steadily rising ever since.


Ibid., p.343.


Anand, A.S., op.cit., p.344.


Sharma, S.K., op.cit., p.440.


Ibid., p.346.

Sharma, S.K., op.cit., pp.443-444.


Ibid., pp.445-446.


Ibid., p.3.

Section 3 of Constitution of Jammu and Kashmir says: “The state of Jammu and Kashmir is and shall be an integral part of the Union of India.” Section 147 says “No Bill or amendment seeking to make any change in the provisions of section 3 or the provisions of the Constitution of India as are applicable in relation to the state shall be introduced or moved in either House of the Legislature”.


Bamzai, P.N.K., Kashmir and Power Politics from Lake Success to Tashkent, op.cit., p.220.


Misra, K.K., op.cit., p.227.


278 Jammu and Kashmir Legislative Assembly Debates, Volume 6, 1st October, 1959, p.32.
279 Amrita Bazaz Partika, Clacutta, 20th October, 1959.
280 Hari Ram, *op. cit.*, Appendix I, p.175.
282 Times of India, Bombay, 23rd October, 1959.
299 Bamzai, P.N.K., *Kashmir and Power Politics from Lake Success to Tashkent*, *op. cit.*, p.225
307 Karan Singh, Sadar-i-Riyasat, op.cit., p.86.
308 Khushwant Singh, op.cit., pp.142-144.
309 Bamzai, P.N. K., Culture and Political History of Kashmir, op.cit., p.816.
311 Jagmohan, op.cit., p.100.
312 Karan Singh, Sadar-i-Riyasat, op.cit., p.91.
313 Ibid., p.91
315 Karan Singh, Sadar-i-Riyasat, op.cit., p.92.
316 Kashmir As others see it, Special Correspondent, Times of India, p.11.
317 Kashmir As others see it, Special Correspondent, Sunday Times, London, p.15.
318 Kashmir As others see it, Special Correspondent, Shri G.B. Pant, Union Home Minister, p.18.
319 Ibid., p.19.