3.1: HISTORY AND NATURE OF SELL OUT IN JAMMU AND KASHMIR

Set up of Sell out in Jammu and Kashmir

Text of the treaty: English translation of the Persian text treaty signed at Leh on second of Asuj 1899 Bikrami (September 1842 AD) between the government of Maharaja Gulab Singh and government of Tibet. Where as we the officers of the Lhasa country, viz, firstly, Kalon Surkhan, and secondly, Fepon Pishi, commander of the forces of the Empire of China, on the one hand and Dewan Hari Chand and Wazir Ratanu on behalf of Maharaja Gulab Singh, on other, agree together and swear before God that the friendship between Maharaja Gulab Singh and the Emperor of China and Lama Guru Sahib Lassawalla will kept and observed till eternity; no disregard will be shown to anything agreed upon in the presence of God; and will respect the boundary of Ladakh and the countries bordering on it as fixed since old times we will carry on the trade in Shawl, Pashmina and tea before by the way of Ladakh; and if any one of the Shri Maharaja enemies comes to our territories and says anything against the Raja we will not listen to him and will not allow him remain in our country, and whatever traders come from Ladakh sell experience no difficulty from our side.¹

3.2: Treaty of Lahore became the road map for treaty of Amritsar

Treaty between the British government and the State of Lahore concluded at Lahore on March 9, 1846 between Sir Henry Hardinge and Maharaja Dalip Singh Bahadur. Article III of the Lahore Treaty states that the Maharaja ceded to the honorable company in perpetual sovereignty, all his forts, territories and rights in the Doab and Country, hills and plains situate between rivers Beas and Satluj. Article IV of the Lahore Treaty states that the British government having demanded from the Lahore state, an indemnification for the expense of the war, in addition to the cession of territory described in Article III, payment of a one and a half crore of rupees; and the Lahore government being unable to pay the whole of this sum at this time or to give security satisfactory to the British government for its eventual payment; the Maharaja cedes to the honorable company, in perpetual sovereignty, as equivalent for one crore of rupees all his forts, territories rights and interests in the hill countries which are situated between the rivers Beas and Indus including the province of Kashmir and Hazari. Article IX the control of the rivers Beas and Sutlej with continuation of the
later river, commonly called the Ghara and Panjnad to the confluence of the Indus from Mithankot, and the control of the Indus from Mithankot to the borders of Balochistan, shall in respect to tools and ferries, rest with the British government.²

Article XII of the Lahore Treaty states that in consideration of this service rendered by Raja Gulab Singh of Jammu to the Lahore state, toward procuring the restoration of relations of amity between the Lahore and the British governments the Raja Gulab Singh, in such territories and districts in the hills as may be made over to the said Raja Gulab Singh by separate agreement between himself and the British government, with the dependencies thereof, which may have been in the Rajas possession since the time of the Late Maharaja Kharak Singh; and the British government in consideration of the good conduct of Raja Gulab Singh, also agrees to recognize his independence in such territories and to admit him to be privileges of a separate treaty with the British government. Article XIII of Lahore Treaty states that in event of any dispute or difference arising between the Lahore state and Raja Gulab Singh, the same shall be referred to the arbitration of the British Government, and by its decision the Maharaja engage to abide.³

Kashmir was sold in 1846 by the British to Gulab Singh a Dogra Rajput. His ancestors had come into prominence under Raja Dhruv Dev in the territory surrounding Jammu after the Indian invasion of Nadir shah in 1738-39 A.D. One of the descendants of Dhruv Dev was Kishore Singh who had three sons namely, Gulab Singh, Dhian Singh and Suehet Singh. When he was only about sixteen years of age, destiny removed him from his home place and brought him in the Lahore Darbar where Ranjit Singh conferred upon him a suitable appointment on handsome salary. Gulab Singh was fearless and possessed great military skill. He distinguished himself in various campaigns by which Maharaja Ranjit Singh extended his kingdom. The Maharajas conquest of Kashmir in 1819 was in no small degree due to the valuable service rendered by Gulab Singh in person. He became most important chiefs of Lahore Darbar. In 1822 he was made the Raja of Jammu which the Maharaja had conquered during 1808-09.⁴

When anarchy regained in the Punjab after the Maharaja passed away and murders and intrigues became order of the day, Dhian Singh his son Hera Singh Singh and Suehet Singh fell victims to them. Raja Gulab Singh was however saved by the
evidences from this turmoil to play a significant role in the first Angelo-Sikh war which broke out in 1845. This war came to an end by the treaty of Lahore dated 9th march 1846 A.D. which brought to the British from the Lahore Darbar the hilly territories lying between the rivers Bias and Indus including the provinces of Kashmir and Hazara. The British in their term sold out Kashmir to Gulab Singh against the payment of 75Lakhs of rupees. Through another treaty known as Treaty of Amritsar concluded on 16th march 1846. Raja Gulab Singh was further honored with the title of Maharaja. The treaty of Amritsar ran as follows. Treaty between the British government on the one part and Maharaja Gulab Singh of Jammu on the other concluded on the part of true British government by Fredrick Currie, Esquire and Brevet-Major Henry Montgomery Lawrence, acting under the orders of Right Honorable Sir Henry Hardinge, G.C.B, one of Her Britannic Majesty's Most Honorable Privy Council, Governor –General of the possessions of the East India Company, to direct and control all their affairs in the East Indies and by Maharaja Gulab Singh in person.5

**Article I:** The British Government transfers and makes over, forever, independent possession, to Maharaja Gulab Singh and heirs male of his body, all the hilly or mountainous country, with its dependencies situated to the East ward of the river Indus and West ward of the river Ravi, including Chamba and excluding Lahol, being part of the territories ceded to the British government by the Lahore state according to the provisions of Article IV of the treaty of Lahore dated 9th march, 1846 A.D.6

**Article II:** The eastern boundary of the section transferred under the article in progress Maharaja Gulab Singh will be fixed by the Commissioners appointed by the British Government and Maharaja Gulab Singh respectively, for this purpose and will be defined in a separate contract after the investigation.

**Article II:** In view of the transfer made to him and his heirs for the supply of the above elements, Maharaja Gulab Singh will pay the United Kingdom Government the sum of seventy five Lakh of Rupees (Nanakshahi), fifty lakhs to be paid for the ratification of this Treaty and Twenty-five lakh on or before 1 October of the current year 1846 AD.
Article IX: The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without the concurrence of the British Government.

Article V: Maharaja Gulab Singh will refer to the arbitration of the British Government any dispute or issue that may arise between him and the Government of Lahore or any other neighboring state and to comply with the British Government's decision.

Article VI: Maharaja Gulab Singh engages for himself and his heirs to join with the whole of his military forces, the British Troops when employed in the hills or in the territories adjoining his possessions.

Article VII: Maharaja Gulab Singh agrees not to adopt or maintain in their service any British or any other European or American state without the consent of the British Government.

Article VIII: Maharaja Gulab Singh undertakes to respect the provisions of Article V, VI and VII of the Separate Agreement between the Government of the United Kingdom and Lahore Darbar dated 11 March 1846 as regards the territory that has been transferred.

Article IX: The British government will support Maharaja Gulab Singh to protect their territories from outside enemies.

Article X: Maharaja Gulab Singh acknowledges the supremacy of the British government and on behalf of that supremacy, submitted annually to the British Government a horse, race approved goats (six men and six women) and three pairs of shawls of Kashmir.

This Treaty consisting of the above Articles has been this day settled by Fredrick Currie Esq. and Brevet Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B, Governor-General, on the part of the British Government, and by Maharaja Gulab Singh in Person and the said Treaty has been this day ratified by the seal of the night Honourable Sir Henry Hardinge, G.C.B, Governor-General. Done at Amritsar this Sixteen day of March in
the year of our Lord, 1846, corresponding with the seventeenth day Rabi-ul-Awwal 1264, Hijri.

(Signed) H.Harding (Seal)

Maharaja Gulab Sing
(Signed) H.M.Lawrence

BY order of the Right Honorable the
Government of India
(Signed) F.Currie.
Secretary to the Government of India,
With the Governor of India.

In this way Kashmir came into the hands of Maharaja Gulab Sing. He was already the master of Jammu, Ladakh and Baltistan had also been earlier conquered for him by General Zorawar Sing (1835-40). After taking the possession of Kashmir, Maharaja Gulab Singh occupied Gilgit as well. Thus he founded the state of Jammu and Kashmir with the help of British Government.

2.3: Views of people on this sell out

“Affairs in Kashmir are only growing worse and worse, That Government is a disgrace.”

-Arthur Brinkman

1867

“Three-fourth of India is directly under the slavery of the British and one-fourth is indirectly under them. Kashmir forms part of this unlucky region, in which ten crore people lead a life of slaves. We the forty lakh people of the state are suffering under the yoke of the Dogra Rule.”

-Sheikh Abdullah-1946

“For seventy five lacs of rupees, the unfortunate Kashmiris were handed over to the tender mercies of the most thorough ruffian that ever was created- a villain from a kingdom down to half penny.”
“Lakhs of hungry naked and suffering Kashmiris are breathing their last. Deprived of the necessities of life, clothing and food they are covering their life-span rather nearing their death under extreme oppression, degradation and atrocities.”

-Sardar Buddh Singh 1946

“Villages, streams, meadows have been sold; Whole nation has been sold, at what a Low cost.”

-Iqbal

“Valley ,mountains,forests,rivers,fruits,flowers and grain…cattle ,sheep, humans and their work and labor…all traditions inherited by us from our forefathers…look at the sale deed, everything is in black and white… Ownership of the country bought for seventy five lakhs…confiscated all this booty in seventy five lakhs, Be it cattle or humans to be bought, all for sale…their sons, daughters and progeny all for sale…None can ever be free, all are up for sale…Homeless till doomsday, ruined, forever on sale, Sold is Kashmir’s paradise for seventy five lakh”

-Hafeez Jalandhari

It was on every body’s lips that Dogras meant the pillage of the nation. Dogras rule was characterized as despotic, tyrannical and sectarian. Khawaja Gulam Hassan Nizami,a prominent Punjabi Muslim various times met Pratab singh describes pratab orthodox hindu.He did not like face of any Muslim from morning to evening, even not tolerated Muslim shade on drinking water, was punishing or imprisoning Muslim if their shade felt on him. Hathi killing cows was crime; slaughters were delt with serve punishments.E.F. KNIGHT in 1891 visited Kashmir says killing of cows was punished with death, after a long time it changed into life sentence imprisonment. Mosques, shrines were converted into store houses for grains and ammunition. Muslim leaders demand by a memorandum submitted to Lord Reading in 1924, it state all religious places to be freed from government possession and should be protected from future encroachment by non Muslims From the 106 years of Dogra rule 28 prime ministers took charge none among them was Muslim. Glancy
commission which put it on record that there were 12 graduates and 133 matriculates in Kashmir. Gulam Rasool presented a written statement to riots enquiry committee in 1931 the principal of efficiency is merely a smoke, two non Muslims deputy director of sericulture department had studied up to entrance, six senior assistants three non Muslims had no qualification. To loot the peasants was no sin; society did not disapprove of it.\textsuperscript{18}

\section*{3.4: NATURE OF DOGRA RULE AND FORMATION OF ORGANISATIONS}

Due to autocratic nature of Dogra rule the oppression, poverty and lunacy Touched limits. Kashmiri inhabitants as well as Kashmiri organizations showed resistance from time to time. In 1865shawlbaf revolted. The silk factory workers secret submission of memorandum to Lord Reading viceroy of India in 1924AD. For these act silk factory workers were exiled and punish servely.\textsuperscript{19}

Sir Albion political minister of Kashmir who resigned from his post and expressed cause of resignation in Lahore on 15march 1929, he expressed state of j&k is labouring under many disadvantages, most of them are Muslims who are illiterate, poor and like dump cattle. This was published in English press. This act created way for kashmari Muslims to openly challenge the Dogra oppression.\textsuperscript{20}

In the mean while, Reading Room party was formed in 1929AD by two brothers, Bashir-ud-din and Naseer-ud-din. Its main focus was to bring educated youth in unity and highlight the drawbacks of autocratic rulers, discuss the French and Russian revolutions to explore way forward for j&k, with the help of press and other means of communication.\textsuperscript{21}

Reading room party presented a memorandum to Regency council headed by Wakefield. Due to this party member were invited by government for discussion, but all in vain. The unfortunate and narrow-minded attitude of the Dogra government employees towards the educated Muslim young men was the main cause which had given a communal bias to the tone and temper of the propaganda which the youngmen were carrying on in their limited circle. The surcharges atmosphere now prevailing in the country unbalanced the Dogra community. They became suspicious, terror-stricken and demoralized. It is tragedy that even up to this time the majority of the pundits have continued to maintain such an unhealthy and dangerous attitude
towards the freedom movement. In the beginning of 1931, the Lahore Muslims press started a violent and venomous campaign against Dogra Maharaja and his administration. Newspapers containing articles written in words of fire were published and sent by thousand into state. In name of the Holy Prophet (S.A.W) and Islam. This campaign under the circumstance already mentioned created terrific effects upon the minds of the Muslims in the valley. Under the stress of the times people in the state became very active. Groups, bands and parties were formed everywhere without the knowledge of each other. In Srinagar the Reading party was gradually forced to forefront in the Muslim politics.\(^\text{22}\)

A few incidents occurred in different parts of the state inconsequential in themselves, but quite dangerous in the political climate which now exist in the land. There was a case in Jammu of disrespecting to Holy Quran and another case of interference in the Khutba of Maulvi on Eid Day. A third incident took place in village Digore when Muslims were refused to offer prayers on certain pieces of land. Though prompt action was taken by the authorities to set the matter right nothing pleased the Muslims and a cry of ‘ISLAM in Danger’ was raised in throughout the length and breadth of the land. This made the movement state-wide.\(^\text{23}\)

Big gathering of Muslims began to be held at different religious places particularly in Jamia Masjid, at Srinagar, in which the speeches condemning the Hindu government and its officials were delivered by all those who could use tongue in on platform. One such public meeting was called in Khanqah-I – Maula on June 21th, 1931, to elect the representatives of the Kashmir Muslims who were expected to submit the grievances and demands of the community to the Maharaja at the suggestion of G.E.C.Wakefield, political minister. Jammu had already elected their four representatives among whom Chaudri Gulam Abbas was one. The Muslims of Srinagar nominated seven prominent workers as their spokesmen. They were Khawaja Saad-ud-Din, Mir Waiz Yusuf Shah, Mir Waiz Atiq – ullah Hamdani, Aga Sayyid Hussain, Gulam Ahmad Ashai, Sheikh Abdullah and Munshi Shahab din. Sheikh said that we have formed a representative body of Muslims and it is a formal inauguration of freedom struggle. \(^\text{24}\)

At the end of meeting at khanqah – i-Maula Abdul Qadir outsider gave a speech which was recorded by C.I.D. and when he returned to Nasim Bagh at the dead of night, he was followed by the Gestapo and arrested on 25\(^{\text{th}}\) June from the house boat
of his employer and charged under section 124-A (treason) and under 153 of the penal code. When the Muslims heard of his arrest, there was wide resentment in the city. Their feelings were injured particularly because here was before them a brother Muslim from outside the state who was courted arrest for the sake and in vindication of their rights. The matter being sentimental, the people became actually touchy. The result was that he was put on trial before the session Judge, Pandit Kishan Lal Kitchlu, thousands found themselves sub-consciously drawn to court. He was kept in central jail which is at considerable distance from the court. On 13th July 1931, thousands of Muslims assembled outside the central jail. After the entry of the session judge, people demanded permission to enter the compound. Finally requests made by people to see the proceeding of the case in return were fired on the order of governor. One hundred and eighty rounds were fired on the crowd. Which resulted into the cold-blooded massacre of 22 Muslims and scores of demonstrators received bullet injuries.

The arrest of Muslim representative after jail incident added fuel to fire. 13 July, 1931 saw the commencement of the oversize force of mass movement. The news of 13 July in Lahore Muslim press sent a gesticulate all over the Muslim world. This resulted in protest, sympathy and solidarity with Kashmiris. Mirza Bashir Din, Amir of Jamait-i-Ahmadiya took derivative convened a meeting of leading Muslims at Simla on 25 July 1931 to consider the Kashmir situation. Due to this meeting All India Kashmir committee came into subsistence. This played important role in Kashmir politics. On the call of All India Kashmir committee Kashmir Day was celebrated in Kashmir and outside on 14 August 1931.

On 21 December Sheikh was again arrested. Mufti Jalal din was also arrested when he formed war council. Mir Waiz Mohd Yusuf shah gave the call of Jehad was also arrested. After the release of political leaders on 4th June 1932AD, the move gained momentum. According to Maulana Mohammad Saeed Masoodi the decision to form a party and name it Muslim Conference was taken in central jail Srinagar in course of discussion he had with Sheikh Abdullah. All India Kashmir committee was largely responsible for its decision. Committee was therefore set up to convene the conference. It drafted a constitution and decided to name the organization as the All Jammu and Kashmir Muslim Confrence. The inaugural session was held on the 14th,
15th and 16th of October 1932AD, in the historical pather Masjid Srinagar under the Presidentship of sheikh Abdullah. It was a unique gathering, especially in the sense that all Muslims, irrespective of their religious differences or social distinctions sat shoulder to shoulder on the same platform with the common objective of providing Muslims with a single political platform. The flag hoisting ceremony was performed on 14th by Walliullah-Zain-ul-Abedin, a representative of the All India Kashmir committee. Khawaja Gulam Ahmad Ashai read the address of welcome on 15th October. Sheikh Abdullah’s presidential address reads as our movement is not directed against the minorities. I assure all my countrymen are they Hindus or Sikhs that we shall always try to redress their grievances but they must also respect our just rights, our collective work is to get rid of from the oppression and autocratic rule of Maharajas. On the opening day, three sub-committees were appointed. One consisting of seven members to prepare a resolution on Glance recommendations regarding constitutional reforms and also to consider the draft constitution of the party. Another committee consisting of 21 members was consider points of agreement with Galancy report and third one consisting of 22 members was consider all other matters. These committees worked almost round the clock for three days and presented the ten resolutions in open session as also the party constitution. In of the resolution, a demand was made for setting up a natural commission to enquire into the grievances of the Muslims of poonch, who were groaning under the tyranny of their local Raja as well as his overloaded Hari Sing. Among other resolutions were those related to forfeiture of property on conversion to Islam, representation in service on the basis of population, enlistment of Muslims in the army, reduction in land revenue, release all prisoners and repeal of emergency laws in Mirpur.

3.5: ACHIEVEMENTS OF MUSLIM CONFERENCE

Property rights in land, concessions in connection with the use of forests, abolition of taxes on cattle and nazarana, freedom of press and platform, right to form association and establishment of assembly and district and municipal boards. Glancy commission report was published in May 1932. Whose reforms were accepted by all Muslims as well as non Muslims?

Right from the beginning the program of Muslim Conference was secular and progressive. It made persistent efforts to ensure a joint Hindu-Muslim struggle. On 7
march 1933 committee was set up to contact non-Muslims for their support. On second annual session of Muslim conference, non Muslims were appealed to join it. On 29th June 1934 in a written statement Muslim conference again requested to non-Muslims to join their hands with Muslims and assured them every kind of help and safe guard. On fourth annual session of Muslim Conference 1935, non Muslims joined in it. On 8th May 1936 Muslim conference observed Responsible government day. For it public meetings were held and most of the principal speakers of it were Hindus and Sikhs.  

The fifth annual session of Muslim conference was held at pooch on May 14, 1937. The 6th annual session was held at Jammu on March 25, 26, 27, 1938. Sheikh addressed during this session like Muslim large majority of Hindus and Sikhs have suffered at the hands of the irresponsible government. Different unions were formed. In 1936 Kashmir Youth League came into existence under the guidance of P.N.Bazaz. The Kashmir students union was organized whose annual session was held on November 4 1936. Another organization was founded called Muslim Socialist party by Abdul Aziz Mir. Muslim conference observed a responsible government day on 8 august 1938.

Sheikh spoke in favour of conversion of Muslim conference into Notational conference. On June 24 1938 Sheikh placed the resolution before working committee. On 28th June, 1938 the working committee of the Muslim Conference met in Srinagar to consider the question of changing the name of the party. After marathon discussions lasting five days and spread over fifty two hours. Chaudri Gulam Abbas, Maulvi Abdullah Vakil and Ahmad–ud–din Banihali opposed the resolution and voted against it. Chaudri Gulam Abbas khan and his colleges had an apprehension that the conversion weakens the movement because non Muslims would not participate in national conference sincerely but the safeguard of their vested interests. Rivals Muslim conference would launch a disinformation campaign against the new party in the name of religion and government would get an opportunity to root the movement.

N. Gopal. Ayyenengar represented Dogra government from 1936 to 1943. During this time government provoked the people by ganging prominent workers and by imposing restrictions on other leader’s activities. All India states people’s conference
was held at Ludhiana, headed by Nehru. In this conference prominent kashmari leaders took part after their release in February 11, 1939. In March 1939 Sheikh Abdullah and other leaders participated in the annual session of Indian National Congress at Tripura. During the session he delivered the speech which reads that propaganda of state rulers against the movement is baseless. He appealed the British government not to rely upon this baseless propaganda which was carried in Hyderabad in the name of Islam and in Travancore in the name of Christianity. 38

A special session of All Jammu and Muslim conference was held at Srinagar on 10th, 11th of June, 1939 under the Presidentship of Gulam Mohd Sadiq, reception committee chairman Masoodi introduced some resolutions, it approved to change the name of Muslim Conference to National conference and bring the necessary amendments in the constitution. This conference therefore decided to bring All Jammu and Kashmir National Conference into power. This session was attended by 176 delegates of all districts. On this occasion the president Gulam Mohd Sadiq said, that it is essential that the struggle for establishing a responsible government, every citizen of state, irrespective of his religion or race should be able to participate, make their contributions towards freedom movement from Dogras. 39

Out of 176 members only Maulvi Abdullah advocate, Khawaja Ghulam Ahmad Ganai Baderwahi, Sheikh Ahmad Din Banihali and Chaudri Hamidullah Khan opposed the resolution. When the decision was taken after deliberating over it for the whole night, sounded the death knell of the Muslim Conference and heralded the day with the news of the birth of the National Conference in its place. 40

The idea of joint plate form to a great extent proved a utopia and Hindu Muslim unity on political front remained a distant dream. Chaudri Gulam Abbas Khan resigned from National Conference in 1940 and joined hands with Mirwaiz Yusuf Shah and the Muslim Youngman who had resented the conversation of Muslim Conference to National Conference and had revived the Muslim Conference. Mirwaiz Yusuf Shah Young Muslims leader declared the conversion of Muslim Conference into National Conference as a SELL OUT of Muslim state. 41 Jinnah too disapproved of the sheikh’s conversion of the Muslim Conference to National conference of 1939. 42
The annual sitting of National Conference was apprehended in Srinagar on 28th, 29th and 30th September, 1944 at pather Masjid. In this sitting party adopted an imperative opinionated, monetary and social programe called NEW KASHMIR. Quit Kashmir movement was launched on 15th May, 1946. On 19th, May sheikh Abdullah suspended the programe of processions and meetings perhaps to ensure that government was not able to bring Hindu-Muslim clashes to end and thus SOLD the authentic objectives of the movement.

2.6: Issue of accession

The issue of in 1947 was to exercise who to exercise the choice, the Hari Singh or the people? It came to fore on the 13 June ten days after the Indian National Congress and All India Muslim conference had accepted the partition plan of 3 June 1947. On 12 May 1946 the cabinet Mission to India had presented a memorandum on Indian states ruled by the princes. On 13 June, leaders of both parties met under the leadership of the viceroy, Lord Mountbatten.

In the three cases of disputed accession –Junagadh, Hyderabad and Kashmir –each side adopted inconsistent stands on: Irrelevance of the instrument of accession, Plebiscite, territorial integrity or the geographical factor and religion factor. Mountbatten rued the award later in talks with Lapierre and Larry Collins. The road and river communication were with Pakistan exclusively. I mean Radcliff let us in for the awful lot of trouble by making it possible for them to accede to India. If he had not made such award, the Maharaja would really have had no option but join Pakistan. It ran counter to the feverish attempts by Vallabhbhai Patel to secure Kashmiris accession to India regardless of the peoples will, and Nehru likewise, brandishing the fig leaf of Sheikh Abdullah’s support.

Sheikh Abdullah’s release has been represented as the outlay of accession which was to follow. Abdullah lost no time in reasserting his political doctrine. “In Kashmir we want a people’s administration. We want a management irrespective of any community, Mutual regime of Hindus, Sikhs and Muslims. That is what I am fighting for.

The paper of accession was received and forwarded by Maharaja all the way through V.P.Menon who had come from Delhi on 26 Oct 1947 and returned at the similar day.
On the revisit of V.P. Menon the instrument of accession was also signed by Sheikh Abdullah on behalf of NC who was present in Delhi at the abode of Nehru. Mehar Chand Mahajan also proceeded to Delhi in order to receive the armed relief against the tribal intrusion, who was also present on the event and signed the document of accession. But accession was conditional.\(^{48}\)

On hearing the news of Kashmiris Accession to India on 26 October, took Pakistan leaders by surprise and declared it deception and impracticable to accept.\(^{49}\)

Patel and Nehru plotted for Kashmiris accession to India before partition, it was before Radcliffe report, Nehru was active in before partition and assertive that Kashmir had no other option but accession to India. Nehru took up the matter with Governor General of India Lord Mountbatten as early as in May 1947. When the partition plan of India seemed to inevitable, and even before the partition plan was announced on 3 June 1947. Mountbatten asked Nehru to send him a note on the subject [Kashmir case] which Nehru did on 7 June with population figures and plotted history. Muslim 61%, Hindus 39%, Kashmir: Muslims 92%, Hindus 7.8% total of 77% Muslims and 21% Hindus in population of roughly 3.6 million in the entire state. There were then 1,205,675 Muslims in Jammu as against 772,760 Hindus, and 1,559,488 Muslims in Kashmir to 139,217 Hindus. Nehru urged the removal of Ram Chandra Kak from the premiership and the release of Sheikh Abdullah from the prison, and warned against the states accession to Pakistan. The National Conference was opposed to it and the Maharajas position would also become very difficult. He concluded, the normal and obvious course appears to be for Kashmir to join the constituent Assembly of India. This will satisfy the both the popular demand and the wishes of Maharaja. It is absurd to think that Pakistan would create trouble if it happens, He was wrong on all counts – the popular demand which he identified singly with Sheikh Abdullah, the rulers wishes and indeed the popular sentiments. It was not Pakistan but people who might have created troubles. On 4 July Nehru wooed the ruler Hari Singh, cautioning him significantly against Independence.\(^{50}\)

Accession was a firm policy. The prime minister of Jammu and Kashmir in a telegram on 2 August 1947 expressed his desire of concluding a standstill Agreement with both India and Pakistan. The subject matter of the Standstill Agreement which is offered to India and Pakistan was different. While an offer was made to Pakistan only
in regard to the states communication, supplies, post office and telegraphic arrangement. The telegram which was sent to the government of India extended to other subjects as external affairs, control of fares [forces] and defense. The government of India replied that some authorized ministry should come for negotiating the standstill Agreement. Before this could happen Kashmir was invaded. Even if the raiders had not come Nehru would have pressed the accession.  

On the eve of Independence the Maharaja sought to resolve his dilemma by holding a referendum as Mountbatten reported in London. The Maharaja has at last decided to sake his Dewan, Kak. He now talks of holding referendum to decide whether to join Pakistan or India, provided that the boundary commission given him land communication between Kashmir and India. Interestingly the first cry for secession was also heard from Hari Singh in letters to patelon 31 January 1948. he warned …sometimes I feel that I should withdraw the accession that I have made to the Indian union. The union has provisionally accepted the accession and if the union cannot recover back our territory then there shall be no point in sticking to accession of the state to the Indian union. His appreciation of legal position was sound. 

In accepting the accession, the government of India made it clear that they would regard it as purely provisional until such time as the will of the people of the state could be ascertained. In a letter to the prime minister of Pakistan, Liaquat Ali Khan on 31 October 1947. Nehru assured him that Kashmiris accession to India was accepted on the condition that as soon as the invaders has been driven from Kashmir soil, the law and order restored, the people of Kashmir would decide the question of accession. Nehru’s broadcast on 2 November 1947 repeated the words we made a condition, reiterated the basic policy of the people’s decision on the accession and said it was in accordance with this policy that we added a proviso to the instrument of accession of Kashmir. Uniquely, on Kashmir the governor general himself imposed a precondition or proviso by the letter of 27 October 1947, written simultaneously with his acceptance of the instrument of accession. It set out the basic policy of popular arbitrament, and reiterated that as soon as law and order have been restored in Kashmir and her soil the accession should be settled by a reference to the people. The word settled was aptly used apropos a disputed accession. Defence committee of the cabinet held on 26 October 1947 a meeting which records: It was agreed that when
the accession was accepted this should be the subject to the proviso that plebiscite would be held in Kashmir when the law and order situation allowed us. The governor general suggested that this plebiscite should be on three questions to join Pakistan, to join India or be Independent.\textsuperscript{53}

On 1 November 2009, the president of PDP elaborated on the theme in her address at party convection. The accession of Jammu and Kashmir to India has proved counterproductive. She amplified: “After 1947, we were forced to surrender everything to India, including our water resources. We even lost our own strategic geographic advantage. The state should have been the hub of activities in central Asia turned into a landlocked territory. We have been living under an economic and physical siege since the states accession to India.\textsuperscript{54}

The numbers of militants groups were rapidly growing every day. The youth were grouped by a growing intransigence. They used abusive language against their elders who tolerated that without even a murmur. They would also sarcastically pass such remarks as “we have seen what great deeds you old fogies’ have accomplished. Now it is our time we will show you what we can achieve. In 1947 you SOLD Kashmir for a song”. They believe that the new generation would achieve what they had failed to do. The Kashmiris could proclaim, nobody can Sell-out us now.\textsuperscript{55}

\textbf{2.7: Article 370 and its position:} Article 370 was discussed for five months by PM of India and his colleagues with the PM of Jammu and Kashmir and his colleagues from May to October 1949. Jammu and Kashmir is the only state which negotiated the terms of its membership with India. The constituent Assembly merely put the imprimatur of its approval, On 17 October 1949, to a draft agreed between India and the state. Article 370 records a solemn compact. Neither side can amend or abrogate it unilaterally, except in accordance with the terms of provisions.\textsuperscript{56} After the J&k state acceded to the union of India on 26 October 1947, it was important to define the bond between centre India and state J&k, for this rationale, Article 370 came into existence. The unique constitutional status of j&k was not granted by the government of India but sanctioned it by the relevant provision of government of Act of 1935, the India independence Act 1947 and the instrument of accession. The constituent Assembly of India or its successor’s parliament had no constitutional right to abrogate or modify Article 370. The right belongs to constituent Assembly of the state only.\textsuperscript{57}
On the first, Nehru recorded in a letter to Abdullah on 18th May 1949 that both Patel and he agreed that it was a matter of state’s constituent Assembly. In regard to the Jammu and Kashmir state now stands acceded to the Indian union in respect of three subjects: namely, 1 foreign affairs, 2 Defence, 3 Communications. It will be for the constituent assembly of the state when convened, to determine in respect of which other subjects the state may acceded.

Article 370 embodies six special provisions for Jammu and Kashmir: 1. First, it exempted the state from the provision of the constitution providing for the governance of all the states. Jammu and Kashmir was allowed to have its own constitution. 2. Second parliament’s legislative power over the state was restricted to three subjects – Foreign Affairs-Defence-Communication. 3. Third, if other constitutional provision or other union powers were to be extended to Kashmir, the prior ‘concurrence’ of the state government was required. 4. Fourth, If the concurrence of the government of the state….be given before the constituent assembly for the purpose of framing the constitution of the state is convened, “It shall be placed before assembly for such decision as it may take thereon.” 5. Fifth, is that the ‘state government’s’ authority to give the concurrence lasts only till the state’s constituent assembly is convened’ It is interim power. Once the constituent assembly met, the state government could not give its own concurrence; still less. After the assembly met and dispersed. Moreover, the president cannot exercise his power to extend the Indian constitution to Jammu and Kashmir indefinitely. The power has to stop at the point the state’s constituent Assembly drafted the state constitution and decided finally what additional subjects to confer on the union, and what other provisions of the constitution of India it a should get extended to the state, rather than having their counter parts embodied in the state constitution itself, Once the states constituent Assembly had finalized the scheme and dispersed, the President’s extending powers ended, completely. 6. Sixth special feature, the last step in the process, is that Article 370 (3) empowers the president to make an order abrogating or amending it. But for this the ‘recommendations’ of states constituent Assembly ‘shall be necessary before the president issues such a notification. ‘Article 370 cannot be abrogated or amended by recourse of the amending provisions of the constitution of India which apply to all other states; namely, Article 368. For, in relation to Jammu and Kashmir, Article 368 has a proviso which says that no constitutional Amendment shall have effect in relation to the state
of Jammu and Kashmir unless applied by order of the President under Article 370. That requires the concurrence of the state’s government and ratification by its constituent Assembly.\(^59\)

Unfortunately, the spirit of Article has been chipped away by successive state governments with the collusion of, and at the behest of, New Delhi.\(^60\) Neither the Maharaja nor those inherited power from him (sheikh Abdullah) were prepared to surrender (sell out) that standing.\(^61\)

A little over a decade after the enactment of Article 370, its co-architect, PM, Nehru, declared in lok sabha on 27\(^{th}\) November 1963 that article 370 has been eroded, and if I may use the word, and many thing things have been done in the last few years which made the relation of Kashmir with India very close. I feel this process of gradual erosion of this article is going on. Some fresh steps are being taken and in the next months or two they will be completed. We should allow it to go on. We do not want to take the initiative in this matter completely put an end to this article. There is no need for this that, as the Union Home Minister Gulzari Lal Nanda explained to in lok sabha on 4\(^{th}\) December 1964, the only way of talking the constitution of India into J&K is through the application of this article. It is tunnel. It is through this tunnel that a good deal of traffic has already passed and more will. Only the shell is there. Article, whether you keep it or not, has been completely emptied of its contents. Nothing has been left in it. He pointed out that while the normal process of (constitutional amendment) is subject to stringent conditions, the process of amendment made available to article 370 are very simple—by a presidential order. In regard to the rest of India, if a state’s power has to be curbed, and correspondingly those of the union are enlarged, the elaborate producer laid down in article 368 will have to follow. In regard to the state of Jammu and Kashmir, Nanda, argued a mere executive order is made by the president under 370 would suffice. His successors in office accept this interpretation of the Article 370. This is reality of the special status of Jammu and Kashmir. Nehru was conscious of the indelicacy of the metaphor. Article 370 was not eroded by efflux of time or revenge of the elements. It was a denuded of content by conscious executive acts on his advice through one presidential order after another.\(^62\)
In all ninety four out of ninety seven entries of the Union list were extended to Jammu and Kashmir as were 260 of the 395 Articles of the constitution. Worse, the state’s constitution itself was overridden by those orders; its basic structure was altered. The head of the state elected by the state legislature was replaced by the governor nominated by centre. Article 356 (imposition of president rule) was applied despite a provision in the status’s constitution for Governor’s rule section 92. This was done in on 21 November 1964. On 24 November 1966, the Governor replaced the sadar-I –Riyasat after the states constitution has been amended on 10 April 1965 by the sixth amendment in violation of the section 147 of the constitution. Section 147 makes itself immune to amendment. It referred to the Sadar-I –Riyasat and required his asset to constitutional amendments. He was elected by the assembly section 27[2]. To replace him by center’s nominee was unconstitutionally to alter the basic structure of the constitution. Article 370 was used freely not only to amend the constitution of India but also of the state. On 23 July 1975 an order was made debarring the state legislature for amending the constitution on matters in respect of the governor, election commission, even the composition of the upper house, legislative council.63

The union home minister P, Chidambaram acknowledged in the Raja Saba on 6th August 2010 that J&K had acceded to India in “unique circumstance.” He added that the state poses a unique problem which requires a unique solution.64

3.8: Formation of All Jammu and Kashmir plebiscite front and its sell out:

Plebiscite has a history which makes us believe that it is a device that gives hopes of a better future to the people. The role of Plebiscite in political development becomes clear from a study of the Roman history. The early Roman societies had a system of social pluralism and its civic structure was based upon the curiae, each curiae being group of gents which in turn were unions of families. “The curiae had religious as well as administrative functions. Separately the curiae met for worship and sacrifice. Together they formed a rude order of birth and privilege, cemented by religion and below them were ranged the unorganized plebian’s who shared neither their ceremonies nor their civics rights; the landless, propertyless common men who sought employment and refuge in the city.65 The patricians – the only part of the population enjoyed right while the rest known as plebs- were mere hewers of wood and drawers of water for the elite families of Roman society. The plebian’s demanded some share
in the activities of the government and started their struggle for the same. “Their pressure resulted in the organization of a new assembly, the comitia centuriata, in which plebs as well as patricians had a part. Though purely a patrician assembly, the comitia curiata, continued to exercise the struggle for power between the patrician and plebians which became very intensive with the passage of time. Consequently, the two classes were amalgamated in a single body of Roman citizens enjoying the quality in political as well as civil rights. The plebians did not yield easily. They continued their political war for their rights against the privileged classes and developed an exclusive organization of their own, side by side with that of the other order. This organization was called the concilium plebis (an assembly). The concilium plebis adopted resolutions (plebisscita) which were recognized by its members as a binding on elected officers to conduct business under its direction.66

It is this term (plebisscita) or plebiscitum, used by Roman in ancient times, which has a direct and exact bearing on the modern word ‘plebiscite. ‘While defining the term, C.F.Strong writes, “In Roman Republic days the plebiscitum strictly meant a law passed at the comitia tribute, or meeting of the plebs, but even so, it clearly explains the use of French word plebiscite in modern times to describe an appeal to the suffrages of the people”. Thus, plebiscite, C.F. Strong concludes, “Is a device to obtain a direct vote on a matter of political importance but chiefly in order to create more or less permanent political conditions.”67

Plebiscite is used for eliciting public opinion on the question of public importance like accession areas to particular state. In other words, it is a direct vote of the whole of the electorate of a state to decide a question of public importance, a public expression, with or without binding the wishes or opinion of a community. At international perspective, the concept of plebiscite emerged as a deciding factor in political conflict within or without a state. In the past plebiscite involved ratification, arbitration and solution of a political decision; it was an ideal instrument in the hands of a monarch seeking legitimacy. There is historical evidence of some plebiscites which were organized by some states to avert their internal disturbances and instability. Napoleon Bonaparte used plebiscite in 1799 in connection with the constitution of the consulate which was prepared by him after overthrowing the Directory in a coup-de-tat. The people of France, “with fewer abstentions that in previous plebiscites, voted overwhelmingly in favour of the new constitution. There
were “3,011,007 voters in favour of (yes) and 1,562” against the constitution. Napoleon also used instrument of plebiscite when he became the self-appointed consul for life in 1802 and again when he styled himself emperor in 1804. Thus plebiscite paved the way for Napoleon's rise to power. The same plan was associated with the rise of his nephew, Napoleon III, who, by a similar succession of popular votes, secured first his election as president of the second republic in 1848, next an acceptance of the coup-de-tat of 1851, which ended in 1852 and lastly in 1870 approval of the liberation of the empire associated with the name of Emile ollivier.” A more justifiable use of plebiscite was made during “the early stages of the unification of Italy”. Isolated plebiscites were organized for this purpose. It was “in 1859 that the people of the Duchies of Parma, Modena and Tuscany voted by large majorities in favour of incorporation with the kingdom of Sardinia, and in 1860 the people of the two societies did the same.\textsuperscript{68} 

In 1899-1907 international conference met at Hague to form the permanent international tribunal for the settlement of international disputes and to which almost 50 states eventually adhered to recognize the principle of plebiscite as a basic to it. The plebiscite by this time became very popular as an instrument for the solution of dispute. For example, a plebiscite was used in connection with the separation of Norway from Sweden in 1905. Plebiscites were held in Germany, after the war. Plebiscite was held in the north of Schleswig in 1920. North Schleswig with seventy five percent votes went to Denmark and south Schleswig went to Germany by huge majority.\textsuperscript{69}

The United Nations, after the death of League of Nations, assumed the responsibility for eliminating war and maintaining peace in the world. It proclaimed in its charter that it will “save the succeeding generation from the scourge of war”. It has sent into the field a number of observers and presences. On January 1, 1948 Indian Prime Minister took the Nehru took the matter to United Nations Security Council under article 35 of the United Nation Charter.\textsuperscript{70}

With the resumption of discussion on Kashmir on the 8\textsuperscript{th} of March the April 1948 resolution was passed by the United Nations. The resolution recommended to the governments of both India and Pakistan to withdraw its forces from Kashmir. It suggested the formation of a coalition cabinet of the state of Jammu and Kashmir
which would be representative of all major political groups. The resolution further envisaged that a plebiscite administration be nominated with powers of adequate to prepare and conduct plebiscite. The commission was to establish observers and it was finally to report to Security Council as whether the plebiscite was free and impartial. Five members –Argentina, Columbia, Belgium, Czechoslovakia and United States were named as United Nations commission for on India and Pakistan (UNCIP). It collected facts regarding the Kashmir dispute which resulted in the culmination of the United Nations August Resolution of 1948.\textsuperscript{71}

August 13, 1948 Resolution: It was divided into three parts. First part deals ceasefire in Kashmir. Second, withdrawal of forces from Kashmir. Third was to hold plebiscite in Jammu and Kashmir under the supervision of United Nations.\textsuperscript{72}

3.9: Jammu and Kashmir Plebiscite Front: After 1953 incident Mirza Afzal Beg was released on parole on account of bad health. He went to Delhi on the plea of medical check-up. He contacted various political leaders in Delhi and on his return founded the plebiscite front on 9\textsuperscript{th} August 1955. Subsequently, he drafted the constitution which defined the goals, objectives and slogans of the newly formed organized. The organization was named as All Jammu and Kashmir Plebiscite Front and Afzal Beigh became its founder president. Its membership was open to all state subjects irrespective of any discrimination but was subject to following conditions.

1. He was to have full faith in democratic life.

2. He was to have faith in the right to self-determination of the people of the state who are final arbiters and masters of their fate and destiny.

3. He was to admit and accept the accession of the state to India as temporary and without any fear or favour was relinquish to utilize all proper means for getting decided the dispute of accession under the auspices of united Nations organizations by means of impartial and fear plebiscite;

4. He was required to bind himself by the discipline of the plebiscite;

5. No government or semi-government servant could become its member.\textsuperscript{73}
6. No member of political party was entitled to its membership, however the central committee of the plebiscite front was authorized to declare any party as political party;

7. A member of a political party after resigning from his party could become member of the front but he was subject to a probationary period of three years, during which he could not hold any office of front, however, could relax this rule in special cases.

8. The membership recruitment of the front was to be made annually and every basic member was required to pay fifteen paisa as membership fee.

Committees: The All Jammu and Kashmir Plebiscite front organization comprised of number of committees. These committees can enumerate as under:

I. Basic committee: The basic committee was the first political unit of the organization. It was also designated as Mohalla or Gamma (village) committee. It was elected by the basic members of Mohalla and each such committee contained ten members and five office-bearers.

II. Halqa committee: The second layer of organization was the patwar or Halqa Committee which was elected by the elected members of the basic committee of the concerned Halqa. However, the central committee of the front (Mahaz) could under special circumstance direct that more than one patwar or Halqa be treated as Halqa of Mahaz. The delegates of Halqa were to be elected by the members and office-holders of the basic committees of the concerned Halqa. The Halqa committees were formed in towns and municipalities; in certain cases for each ward of the town area there was a separate Halqa committee, depending upon the size of the town. The delegates of any town area could elect a town committee; the minimum and maximum strength of the members of each Halqa, Tesil, and District and province committee, including office-holders was fifteen and twenty five.

III. Tehsil committee: This committee was the third layer in structure of the plebiscite front. This was one of the Tehsil committee in each Tehsil, above
Tehsil committee there was a District committee of the Mahaz or Plebiscite front.\textsuperscript{74}

IV. Two provincial committees: Two provincial committees, one each for Kashmir and Jammu provinces, were visualized by the constitution of the front. All the members and office holders of provincial, District and Tehsil committees were nominated by the presidents of the province, District and Tehsil respectively. However, the concerned president at all time nomination were to keep in consideration the representation of the concerned areas; each Province, District and Tehsil was to have its own General Council, consisting of delegates of the concerned areas. Secretary of every committee of the Mahaz was a literate.

V. General Council: The delegates of the province, District and Tehsil constituted a General Council from among themselves. The delegates of each Tehsil were to elect from among themselves 1/4\textsuperscript{th} of the strength for general council. The General Council therefore, consisted of ¼ of the delegates of all Tehsil of Jammu and Kashmir. The two –thirds of the majority of the delegates could even amend the constitution of the Mahaz. The Halqa presidents of each Tehsil were the members of the General Council.

VI. Central committee: The president of All Jammu and Kashmir Plebiscite was authorized to nominate members from the General Council to the central committee. This was the apex of all the committees of the Mahaz. The committee was to continue till the expiry of the term of President. The maximum strength of the members was to be twenty five and the minimum fifteen.

VII. All the committees were to work under the supervision and discipline of the Central Committee and were bound by the programmes and policies of the Mahaz, in accordance with its aims and objectives. However, each committee was to submit a report of its activities to the Central committee at least once in a month. The central committee was to institute a credential committee of seven members. It was to investigate into the complaints of any subordinate committee or any member report about the same committee.\textsuperscript{75} In case of any untoward happening, especially when the situation was beyond the control of Mahaz Rai Shumari the central committee or in its absence the President of the Plebiscite
Front could postpone the annual session or convention or the recruitment of members in a particular area. The central committee was a competent to make rules and regulations for the guidance and benefit of the plebiscite front whenever it felt necessary to do so. In addition to this Central Committee could declare the time and venue for conducting the annual session of the front. The annual session was to be attended by all delegates according to their offices and the decisions taken at these conventions were to be implemented under the supervision of the central committee.

**Delegates:** In the area of each Halqa committee, seven hundred members could elect one delegate and any basic member of the plebiscite front could be elected a delegate in case he fulfilled the following conditions:

I. He should have been the basic and active member of the front continuously for three years, on the date of election.

II. He must be the registered basic member in the Halqa from where he was to contest as the candidate.

III. He must have shakable faith in the objectives and aims of the plebiscite front.

IV. No disciplinary action should have been taken against him by the Front;

V. He should not have been convicted of any offence of moral nature.

VI. He should not have been declared by the central committee an undisciplined or a disruptionist person.

VII. He should not have any outstanding against him regarding membership fee or emergency funds or be defaulter in paying the fee at the fixed time. 76

The plebiscite front organization was organized on democratic lines, as after every two years, election was to be held in the front. However, the recruitment of the members was to remain open throughout the year and the annual session were to be held yearly. The central committee was to constitute an Election Board to both organize and supervise all the elections of the front. The Board was authorized to manage and supervise any or mid-term elections.
The delegates were to elect the president of the All Jammu and Kashmir Plebiscite Front, and the president was required to be a delegate himself. The president’s term of office was two years or till his successor succeeded him. The president was like a General Manager and was to nominate from the central committee two secretaries, a cashier and an accountant. The Central Committee was to elect amongst its members the General Secretary and two-vice presidents for Jammu and Kashmir, respectively; The president could appoint anybody on the basis of his efficiency as the secretary for publicity and public work. The president was also empowered to nominate efficient and able persons to Board which would draw constructive programmes during the economic problems of the state, and place them before the organization every year. He was to preside over all the annual conversation of the plebiscite front.

The office-holders in each basic Halqa, Tehsil, District or province committee were the president, vice-president, cashier, secretary and joint secretary. No office holder could continue his office for than one term, nor could he remain on two posts simultaneously. If a seat in a committee fell vacant due to bad health or resignation of any member or due to any other reason, it was to be filled up through the process of election. After the election the successor was to remain in office for a remaining full period. The constitution provides for a financial committee of the Mahaz which consisted of the president, two vice-presidents and a central cashier. This committee was to supervise the finances of the Mahaz and draw proposals for increasing the income of the Mahaz. It was also to maintain accounts and scrutinize the accounts of all the subordinate committee.

The major sources of income of Plebiscite Front were as follows:

1. Membership fee.

2. The special contribution given by its members.

3. The gifts and presents given by its members on the occasion of religious festivals or the like ceremonies.

4. The contribution made by the tillers, peasants and zamindars in kind i.e. grains
5. The special contribution collected for special purposes, for example contribution for defence of the persons involved in different cases or for those who were arrested under the defence of India Rules.

6. Amount was received as special gifts and presents from members for the welfare of the families of the political prisoners.\textsuperscript{78}

Aims and objectives of Plebiscite Front:

The activities of all Jammu and Kashmir Plebiscite Front fixed its jurisdiction within the state of Jammu and Kashmir. The very objective of the plebiscite front was to perk up and reconcile the Kashmir question. The organization stood for peaceful and constitutional settlement of the accession issue of the state and affirmed its belief that the issue could be solved only through Plebiscite. The front was in favour of holding of holding a free and fair plebiscite under the auspices of the United Nations Organization. Nobody could become a member of All Jammu and Kashmir Plebiscite front unless he had firm belief in the right to Self-determination of the Kashmiri people. It was obligatory on the part of a member to believe that the people of Kashmir were the final arbiters and masters of their fate. Each member had to accept the accession of the state to India as temporary. He had to be ready for the struggle to resolve the Kashmir tangle without any fear and favour under the aegis of the United Nations Organization, through a fair and impartial plebiscite.

The Plebiscite front as a whole was to launch an educative campaign among the masses through its committees in the following manner:

1. The accession issue was to be decided peacefully and immediately.

2. Friendly and amicable relations were to be developed between India and Pakistan to facilitate the holding of plebiscite.

3. Democratic life was maintained in the state as a means to guarantee self-sufficiency and self-confidence among the people of Kashmir. Democracy alone could prove beneficial for advancement of the state.\textsuperscript{79}

4. Supremacy of law and justice in the state was to be encouraged as it was the only guarantee for political, economic and social progress.
5. Communal harmony brotherhood and tolerance was to be maintained among different religious communities and groups in the state.

The front as pointed above, advocated strongly that the future of Jammu and Kashmir be determined through impartial plebiscite under the international supervision. Some of its leaders even highlighted the objectives of their organization in the constituent assembly. Before his arrest in October 1956, Afzal Beigh referred to plebiscite in his speech, in the constituent assembly as follows:

“The Indian government had accepted our accession subject to holding of a plebiscite and Sheikh Abdullah had agreed to this arrangement on this very condition. That this acceptance was conditional you cannot deny.”

The foundation of plebiscite front gave a new impetus to the politics of plebiscite in the state which lasted for two decades and two years. The leaders of the plebiscite front discussed and pleaded for plebiscite and plebiscite only in and outside the jail. The government of Jammu and Kashmir and the leaders in Delhi asserted that Kashmir had already exercised the right of plebiscite because the constituent assembly had already ratified the accession. The leaders in Delhi through that Sheikh Abdullah and his National Conference had deviated from the path of secular politics which they adopted in 1939. They alleged that sheikh Abdullah, Afzal Beg and his associates had associated themselves with the communal forces inside the state and with the enemies outside the country, by raising the slogan of de-accession. Their challenge to the accession of the state with India reflected their hidden-motives. The various progressive, socialists and secular forces in the state, accordingly, attributed the slogan of plebiscite to be secessionists in nature. We shall now examine in detail the form and style of the movement which was initiated to secure the right of plebiscite for the people of the state.\(^80\)

The majority of the people of Jammu and Kashmir readily accepted the plebiscite front. Thousands of people joined the new organization within the first few days of its membership campaign. Most of the villages, Mohallas, towns and cities of the state witnessed a mushroom growth of the plebiscite front organization committees. The appeal of the organization was widened under the patronage of Sheikh Abdullah. The front’s politics was not regarded as the politics of service and sacrifice not the
politics of power. The first convention of the workers of the front organization Sopore, Kashmir in September 1955, caused some anxiety among the leaders of the then ruling National Conference led by Bakshi Gulam Mohd. The convention was attended by tens of thousands of the workers of the plebiscite front, unanimously passed a resolution which reiterated the people’s demand for right of self determination and peaceful settlement of the accession issue through plebiscite. Organization work was speeded up and trained disciplined cadre was created which enabled the front to cushion the shocks and onslaughts forced upon it by the government. The plebiscite front was hardly three months old when the state government arrested its founding president Afzal Beg in November 1955, along with a number of office-bearers and prominent members under the preventive detention act.

The struggle for right of self-determination launched by the workers of plebiscite front got an overwhelming and spontaneous response from the Muslim of the state. This politics of plebiscite front was quit unpalatable to government of India and the state government which led change in the Indian policy towards holding plebiscite in Jammu And Kashmir State. The then Indian Home Minister, Govind pant gave an indication of this change in an interview with press representatives at Srinagar, on 9th July 1955. When the accession of Jammu and Kashmir was establishes with India there was a declaration of holding plebiscite in Kashmir at that time. We do not deny this declaration was made. But when the declaration was made situation was different and today it is different. The time factor has a great has a great importance. From the declaration of accession till this day much water has flowed down the Jhelum. During these seven eight years Kashmir has adopted a specific policy with regard to its progress and development. Nehru on 22th August 1955 in the parliament when the accession of Jammu and Kashmir was made with India in 1947, we first of all made offer that future of this is in the hands of which will be decided by them. At that time there was no mention of plebiscite. This is our own affair, No other has any authority to intervene in it. \(^{81}\) Bakshi Gulam Mohd on 23th August 1955 at Magam said to a gathering “The plebiscite on accession has been done in Jammu and Kashmir. A plebiscite of which the disruptive elements are dreaming will never come pass, even up to the dooms day.\(^{82}\)
In a tape–recorded interview to Hodson at his home in Bangalore in September 1964, Menon fully justified India’s policy on Hyderabad and also on Kashmir, but after tribal invasion in October 1947. He however honestly and bluntly said: "As far as plebiscite is concerned, we were absolutely dishonest." 

The change in the policy of India government with regard to Kashmir was strengthening the front movement. There was a strong desire among the many political groups to join the Plebiscite Front organization because of its popularity and these include pro-Pakistan elements such as Mirwaiz group, political conference, Jamaat–e–Islami and others.

Nehru, the architect of accession of Kashmir with India, speaking on the issue of plebiscite in lok sabha on 29th March 1956. There is no question of meditation or holding plebiscite in Kashmir in the existing conditions of the ceasefire which has lasted seven to eight years. The talks on plebiscite are not negotiable so long Pakistan does not withdraw its troops from occupied Kashmir. The hue and cry for plebiscite is in vain. The situation in Kashmir needs consideration. Similarly the Jammu and Kashmir state leadership, subscribing to the line of thought of central government, launched a series of attacks against the plebiscite front and its leaders. In the first phase, series of speeches were delivered at different places in and outside the valley to combat the activities of the organization --the plebiscite front. The task force to measure strength with the front on political level, including among other G.M. Sadiq, Bakshi and Mir qasim. They left no stone unturned to counter the plebiscite leadership and their politics of plebiscite. The NC made every move to see the plebiscite front defeated politically.

Mr. Gunner V. Jarring of Sweden was the president of Security Council for the month of February 1957, when the fresh attempt was being made by it, in its resumed debate on the Kashmir question to find a via media between Indian and Pakistani claims to the state of Jammu and Kashmir. The security had therefore it a resolution, sponsored by Australia, Cuba, the United Kingdom and the United states of America according to which Mr. Jarring was to visit Delhi and Karachi to hold a dialogue with the governments of the two countries on: "proposals which were likely to contribute to the achievement of demilitarization or to establishment of the other conditions for progress toward the settlement of the dispute, having regard to previous resolution of the security council"
and of the United Nations Commission for India and Pakistan, bearing in mind the settlement of India and Pakistan and the proposal for the use of temporary United Nations force. Mr. Jarring, charged with this delicate mission, was to report back not later than April 15th, 1957. During this time Bakshi gave an interview to Anthony Mann, the special correspondent of the daily Telegraph, London, wherein he stated, “A thousand Jarring won’t shake our determination. So far as we are concerned, Kashmir issue does not exist.” Bakshi hoped that Mr. Jarring would not be allowed to come to Kashmir. He justified the detention of plebiscite leaders as being perfectly consistent with norms of democracy. Front leaders and workers reacted sharply to Bakshi’s utterances. In a conversation with the same correspondent, Gulam Mohi Din, the General Secretary of the front described Kashmir valley as “a vast concentration camp”. Repudiating Kashmir’s accession to India. Appeals were made to Mr. Jarring through the correspondent of the Daily Telegraph. Plebiscite Front urged Mr. Jarring to find out truth of the situation. It is essential that he comes to Kashmir. We are surrounded here by police and spies. Foreign visitors are prevented from contact with the people critical of the regime. Elections held in the state are shame. We want reign of terror unleashed by the ruling party to end and release of the true leaders of Kashmir ordered through Mr. Jarring’s intervention.

On 13th January 1958, Sheikh at Srinagar “our struggle will continue ---This country does not belong to Krishna menon, or the U.S.S.R, The U.S.A, Pakistan or India--- It belong to the lakhs of Hindus, Sikhs and Muslims of Kashmir ---The decision regarding the future of this country will have to be collectively taken by 40 lakh men and women of Kashmir. India and Pakistan is eating Kashmir all within. I empathically declare that our honour will not be safe unless that Kashmir dispute is settled satisfactorily. The dispute can neither be solved by sitting in India, nor by meeting in Pakistan. The only way to solve it is that the opinion of the people of Kashmir be sought .We are prepared to face as much trouble for it as we can. The right of self determination became an inviolable principle for plebiscite front. Front leaders defended it with full might.

On February 17th, 1958 Sheikh issued a press statement which was circulated by the press both at Srinagar and Delhi simultaneously. This statement, which reflected his
mind on all aspects of kashmari problem, was developed and elaborated on three basic things as:

1. “There is no possibility of salvation from the present political uncertainty, economic insatiability, mental agony and other tortures suffered by the people of the state unless a final decision is taken to settle the future of the state.”

2. The present strained relations between Pakistan and India are not only source of menace for stability in Asia but are causes of great suffering for the people of Jammu and Kashmir. Kashmir dispute is the chief causes of strained relation between Pakistan and India.

3. The right to take the final decision regarding the future of this state belongs to the people of this state. The only way to decide the issue is to give people the opportunity of exercising their right of self determination under the supervision of an international organization through a democratic method on which the concerned parties have already agreed to or through some other method which would be acceptable to all.

The founding president of the plebiscite Afzal Beg speaking before the number of members of General Council of the organization on 25th May 1969, critically examined elections of 1962 and 1967, declaring them a big hoax. He said that the ruling party NC had in the election of 1962 secured 32 seats out of 46 seats uncontested on account of fear and intimidation of voters. He also condemned rigging in 1967 election although these had been conducted under central election commission. During this election, as usual, he declared, “the same old methods of intimidation, political piracy and rigging were used.” For bye-elections in 1969, the plebiscite front leaders decided to contest the election. The decision to contest the election was attributed to the overall changing attitude of the front leaders. After all plebiscite front went ahead of with the preparations for 1972 election and people responded well to call of its leaders as asserted by the front leaders. The mid-term elections to the lok sabha were announced unexpectedly in the beginning of January, 1971 when front leaders were in Delhi. They decided to contest election in the state. The government immediately banned their entry into state on 8th January 1971. According to Afzal Beg, during the night of 8/9 January 1971 the plebiscite
front organization was declared unlawful organization and its offices throughout the state were taken possession of police. Later the state assembly passed a law declaring the members of the front ineligible to contest any election.\textsuperscript{90}

From 1972 onwards there were many meetings between Sheikh Abdullah and Mrs. Indra Gandhi, PM of India. Mrs. Indra Gandhi had in course of a meeting with Sheikh Abdullah in June 1972 desired to open a new chapter in the history of Kashmir politics. With the passage of time a perceptible change occurred in the thinking of central leadership and plebiscite front leadership in relation to the federal set up. With 1971 war, Pakistan was cut to size with emergence of former East Pakistan into independent and sovereign state Bangladesh. The front had shifted from trilateral to bilateral discussion and had decided to find a solution of the Kashmir tangle within the Indian constitutional framework. By the end of 1974, the plebiscite front and central government through two negotiators – Afzal Beg and G. Parthasarty – struck an Accord with the blessing of Mrs. Indra Gandhi and Sheikh Abdullah, The same accord was placed before the parliament and got ratified.\textsuperscript{91}

Under the agreement reached between the central government and the plebiscite front leaders, it had been decided that the front would be disbanded as a political organization. The plebiscite front general council met in a convention at its headquarters at Mujahid Manzil, Srinagar on 5\textsuperscript{th} July 1975 to effect the disbandment of the plebiscite front. A resolution to this effect was moved and the organization was converted into National Conference, reviving the old organization and its flag of the freedom movement era. Accordingly, on the said date after 20 years the flag of plebiscite front was lowered from the party headquarter and this was followed by national conference flag. Describing the scenario of the function, Sofi Mohiuddin considered it a very moving and pathetic sight to witness. Mr. Abdul Rehman Sodagar shed copious tears while he was engaged in the task of lowering the flag of the plebiscite front. Sofi reported that all the people around were grim and in tears. Thus after twenty long years of politics of plebiscite front was shunned in the wake of the Accord and conversation of the organization into national Conference was brought about.\textsuperscript{92}

The slogan “Rai Shumari for wan karaon” was buried forever and the political struggle spanning between 1953-1975 was referred to as mauldering (siyasi
Awargardi) insulting the sacrifices of countless people who had gifted their lives and treasure for the cause. Pakistan too was shocked with Sheikhs somersault and Prime Minister Zulfkir Ali gave a call for Hartal which was widely observed in the valley. The Indra sheikh accord generally was viewed as a sell-out by Pakistan Government. 93

The people’s league marked a watershed. Its founders shot into prominence later Sheikh Abdul Aziz, Azam Inquabi, and, Abdul Hamid Wani who was the president of the Young Men’s league and Shabir shah its general secretary, all stoutly opposed to the 1975 accord. The BJP’s ancestor, the Jan Sangh, Which true to form called it surrender. Sufi Mohammad Akbar, parted company with sheikh over the accord and attracted some support. 94

In an interview with mother land Maulvi Farooq said, “How can he now change his opinion and declare that the states accession to India is final? The plebiscite front, the party which sheikh leads, had been raising the voice for plebiscite during all these years and now they announced their final verdict on the accession. 95 By 1968 Sheikh Abdullah had accepted the states accession to India, and Indra Gandhi and her advisers knew that, the accord of February 1975 was a worst he could have secured, a fig-leaf to cover abject surrender as the price foe return power-not least because of his own ineptness during the Bangladesh crises when he supported Pakistan. The Smila accord of July 1972 had frozen the status quo. 96

3.10: Power projects Issue

On January 27 2017, detail of the lower house, state legislature: Mohd Shafi uri in lower house the government should pass resolution in demanding return of power projects. Concerning state government on ‘unfulfilment’ of its promises over the return of power projects, former minister of NC legislature Mohd Shafi uri on Friday said that state government should hike in hydroelectricity royalty to paid by NHPC from 12%to 24%.uri while speaking in lower house NHPC which is giving the state 12% royalty, the state government is generating hydroelectricity from own resources and centre is selling back to us. Coalition government should convey to the centre government that the state is different from other states and need to be treated differently. NHPC has already recovered their investments and it is that they should
hand over the power projects to state. The National Hydroelectric power corporation is a government of India undertaking, which has already seven power projects under operation here with a total generating capacity of 2009MWs of power at present. He said that the PDP and BJP have kept the return of power projects as a part of agenda of alliance. But two years have passed nothing has done. He said all political parties have passed various resolutions in the House of political nature and now it is the time to pass a resolution for return of power projects. It is time we should jointly pass resolution in the house and fight for the return of power projects held by government of India. He stated that earlier governments of India have backtracked from the promises to handing back the Power projects to Jammu and Kashmir, terming further that power sector is the back bone of the state economy, for us only resources available which can make us economically prosperous is our hydro power generation capacity but unfortunately the state government has not been able to fully explore its potential. Did you get back the power projects and what you have done to get them back? former minister and CLP leader Nawang, Rigzing Zora said, while adding “your union power minister piyush Goyal says that power projects won’t be returned at any cost. The Indus water treaty was accomplished at the cost of j&k, and therefore the losses suffered by the state should be compensated, mohd Shafi Uri said. Citing cute power crises in the state, the congress member Vikar Rasool also concerned the government over return of power projects. What about return of power projects to the state as you promised in your agenda of alliance? Vikar asked. Former minister and PDP member Javaid Mustafa Mir also said that government of India should return the power projects to the state as it has already earned too much. “Let the state utilize its own resources as they have earned too much for too long,” Mir said, while demanding that Dulhasti and Sawalakote projects should be returned to the state. Similarly, NC member Javed Rana also concerned the government over return of power projects to the state. He also demanded that the losses suffered by the state due to IWT should be compensated. Meanwhile, the BJP and the People’s conference countered the opposition questioning that under whose regime and leadership the power projects where hanged over to NHPC. BJP member Daleet Parihar and Peoples conference member Bashir Dar said who handed over and SOLD power projects to NHPC and under whose leadership it was done they said. No concrete steps taken government for return of power projects: Tarigami, criticizing PDP, BJP coalition government MLA Mohd Yousuf Tarigami said that despite tall claims of returning of Dulhasti and Uri
power projects nothing concrete has emerged so far while speaking on demand grants of power development department he said: “the answer to the cut motion regarding the return of these power projects is vague and evasive and nothing substantial has come out of the so called negotiations of the state government with the government of India on this subject. He questioned the government how long the people have to be “fed with the hollow claims”.  

The AOA pledges to explore modalities for transfer of Dulhasti and Uri power projects to Jammu and Kashmir as suggested by Rangarajan Committee report and the round table reports. Revise all royalty agreements”. But two years into the government term the return of power projects remains distant dream the last and only formal meeting the state government had with the Union Power Minister over this issue was on 6th March 2015 which indicates that it has put the issue on the back burner. Major Hydel projects in Jammu and Kashmir except Baglihar are owned by the NHPC and the state is compelled to buy the electricity produced by its own power house, from the central corporation. Recently in a written reply National conference MLA Devendra Singh Rana’s query whether the Mehbooba government had formally approached the centre for the transfer of hydel projects, minister for power Nirmal Singh, who also serves as Deputy Chief Minister said the transfer of power projects is an important part of the developmental agenda of the coalition government. As mentioned by the finance minister in the power budget speech for 2015,16 the government will actively pursue the transfer of hydel projects from the NHPC and the budget provides funds for meeting the operation and maintenance cost of such power projects to be transferred from the NHPC”. He continued: on March 16, 2015, the Dupty chief Minister and the finance minister met the union power minister and impressed upon the need for transfer of Dulhasti and Uri hydro power projects from the NHPC, Subsequently, the Dupty CM raised the issue with various power ministers, conferences. The state government is actively pursuing the transfer of power projects.”Although union power Minister Piyush Goyal has rejected the possibility of transferring the power projects to the state. The coalition government is demanding the return of Dulhasti, Salal and Uri power projects from NHPC, apparently to secure certain amount of autonomy in the power sector. The state government is annually purchasing electricity from centre to Rs 12000 crores.  

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On February 6, 2017, Tariq karra said, my conscious cannot take it anymore as a mark of protest against the sell-out of PDP to BJP. I am disassociating myself from the party as well as parliament. He added that PDP has surrendered before the BJP and it is PDP who will disintegrate due to it. He called it wrong policies. He said “there is total surrender of PDP before BJP. He said he did not leave PDP just for the sake of leaving it but on the issues and the big biggest issue was the total mishandling of the 2016 unrest in Kashmir. The government handled the situation very badly. Infact it started the bazaar of atrocities. Even young kids were blinded; thousands were arrested and booked under public safety act. It was anti–thesis to the ideology of party. During the past 18 months I had made repeated requests to Mufti Sayeed to and present CM to say goodbye to BJP to save the PDP as party is losing ground in Kashmir. Sell-out and India’s arrogance is the basic reason for the bloodshed and political uncertainty in the state. People of state and particularly the youth are up against this hegemony and suppression.
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