Chapter 5

Analysis of the Role of National Conference – on the Era of Indian Independence from 1939 to 1953

National Conference was a secular organization and played an important role in the freedom struggle of Jammu and Kashmir. National Conference aimed at the welfare of people of the State irrespective of their caste and creed and its membership was open to every person of the State. It aimed at the realization of responsible government in the State in which the members of the Assembly of State would be elected by people of the State on the basis of universal adult franchise. After the conversion of Muslim Conference into National Conference, the working committee of National Conference was announced in the last week of June 1939 which constituted of 21 members. It was also decided to elect the members of the General Council from the basic members of the conference, when they were enrolled. These two committees were to function till the forthcoming annual session of the National Conference to be held at Anantnag. The working committee meetings were held on 15th July and 2nd September 1939 in which issues of enrollment of members, Federal Scheme, National Demand, Responsible Government and the dual membership of the Conference leaders and cadres were discussed. The Working Committee reiterated the National demand and sought to achieve “Responsible Government” in the State under the aegis of the ruler. On 3rd September, 1939, the General Council of the National Conference was convened in which the resolutions of the working committee were approved and Sheikh Mohammad Abdullah was elected the President of the National Conference. The General Council also took a decision about the flag of the National Conference. Prem Nath Dhar suggested to adopt the emblem of Chinar leaf while Lala Roop Lal Vakil suggested that the emblem of Chinar leaf be replaced by a plough which was accepted by General Council. Pandit Jawaharlal Nehru sent his greetings to Jammu and Kashmir National Conference on the occasion of its first session and praised Sheikh Abdullah for his able leadership.

3.1 National Conference and Freedom Movement:

The first annual session of National Conference was called at Sarnal, Anantnag from September 30 to October 2, 1939 and Kh. Gh. Muhammad Bakshi was its convenor.
while welcome address of the session was read by Mirza Mohammad Afzal Beg. S. M. Abdullah in his presidential address focused on unity of Muslims, Hindus and Sikhs for joining hands against the Dogra autocracy.

On 7th September 1939, the Constitution Act of 1934 was repealed and a new Constitution was promulgated by the State. It did not make any change in the powers retained by the ruler, composition, appointment and tenure of the Council of the Ministers but increased the number of elected members in the Praja Sabha from 33 to 40 and gave some financial powers to Praja Sabha. The Constitutional Act of 1939 was criticized by leadership of National Conference who alleged that the Constitutional Act did not provide for any effective constitutional and administrative reforms.

The Dogra Government got frustrated by the successful achievement of the joint platform by the people of the State in the form of National Conference and tried to create differences among the ranks of leadership. Premier of the Government, Gopal Swami Ayyangar suggested two things to Maharaja; one introduction of Devanagri script in addition to Persian script and other, passage of Arms Act by which Hindu Rajputs would be exclusively entitled to keep fire arms under the garb of religious ritual and worship. In Working Committee meeting held at Mirpur on 28th of December, 1939, the National Conference adopted a resolution in which it “strongly resented exclusion of the recognized court language of the State viz Hindustani from list of the both compulsory and optional subjects prescribed for the Kashmir Civil Service Examinations” and “strongly urged its inclusion as one of the compulsory subjects, facility to be given to the candidates to use either Persian or Devanagri script as they like”. In order to prepare a ground for the introduction of the double script, the Government appointed a six member committee to seek favourable recommendations, but committee suggested to retain Persian script and rejected the introduction of Devanagri double script, so Government issued orders on October 21, 1940 by which Urdu was to be common language of the State while for purpose of reading and writing, both the Devanagri and Persian script were given equal status and it was made compulsory for school teachers to learn both the scripts. Though the orders of the Government were in accordance with the policy of National Conference but under pressure of public opinion, it opposed the introduction of
This resulted in alienation of Pandit Prem Nath Bazaz who resigned from the National Conference on November 28, 1940.

The State Government enacted the Jammu and Kashmir Arms Act on 7th of October, 1940 which prohibited the possession of all fire arms in the State by people except the Hindu Rajputs of Jammu. This law increased the widening gap between Muslims and Hindus and created state-wide resentment. The leaders of National Conference organized several rallies across the State against the Government orders related to introduction of double script and Arms Act which finally led to resignation of assembly members of National Conference from assembly against the policies of the Government on June 23, 1941 which were forwarded to the Prime Minister through Mian Ahmad Yar Khan. The National Conference Working Committee through a resolution passed in its meeting, held on August 9 and 10, 1941 asked its MLAs to submit their resignation afresh, but none of them acted upon this decision. Malik Ghulam Hassan and Ghulam Hassan Khan particularly opposed the Working Committee decision which led to their expulsion from the party. This forced the National Conference to start dialogue with the Government and eventually resulted in nomination of Mirza Afzal Beig and Kh. G. M. Sadiq by Maharaja in place of Malik Ghulam Hassan and Ghulam Hassan Khan.

Muslim League organized All India States Muslim League Conference during Lahore session of March, 1940 in which S. M. Abdullah participated in capacity of a visitor but on his return to Valley, he criticized the ideas put forward by different speakers in the session. It was during his stay at Lahore that S. M. Abdullah invited Pandit Jawaharlal Nehru to visit Kashmir who readily accepted it.

Pandit Jawaharlal Nehru along with Khan Abdul Ghaffar Khan, Muhammad Yunis, and Mr. Padiya reached Srinagar on May 30, 1940 and stayed for ten days in Valley. Pandit Nehru in his speech cautioned the Kashmiri leaders against raising emotional slogans which was a reference towards the supporters of the Muslim Conference who had demonstrated against the visit of Congress leaders to the Valley. For the first time in his life, S. M. Abdullah and National Conference came into limelight and got publicity not only in the subcontinent but even beyond its shores. The visit of Pandit Nehru proved to be an event of far-reaching consequences in the politics of Jammu and Kashmir and laid the foundation of the ideological clash between various parties.
The second annual session of National Conference was held from 27th-29th November at Baramullah. Though invitation cards were sent to eminent Congress leaders for participation, they could not participate due to unfavorable conditions. The presidential address was given by Sardar Budh Singh who spoke on the subjects like caste system, corruption, market rise, cow-slaughter, freedom struggle, communalism, Hindu-Muslim unity and the Government services and declared that the establishment of a responsible Government is the only solution for all the problems. It was resolved in the meeting that a member of Indian National Congress can become the member of National Conference without resigning from the former membership. It is a matter of fact that National Conference could not establish its cadres in the Jammu province to a satisfactory level. The adoption of the resolution on the partition of India by Muslim League in its Lahore session of March, 1940 did not leave the State of Jammu and Kashmir unaffected. This united the young Muslim leaders who had opposed the conversion of Muslim Conference into National Conference under the leadership of Muhammad Yousuf Qureshi and led to revival of Muslim Conference. They organized public meetings and held processions in Srinagar, Baramullah, Anantnag and Jammu and alleged that S. M. Abdullah was purchased by Indian National Congress at the hands of Swami Ayyanger after the payment of a heavy amount. In June 1940, a weekly newspaper Paigham owned by Mohammad Yousuf Qurashi and edited by Mr. Nizam-ud-din started publication from Srinagar and campaigned for revival of Muslim Conference. On October 10, 1940, twelve political workers met in Srinagar and decided to revive the Muslim Conference and issued a joint statement. The most effective opposition to National Conference was offered by Mirwaiz Yousuf Shah in Valley while in Jammu, Chaudri Ghulam Abbas revived the Muslim Conference after his resignation from National Conference. The revised Muslim Conference under the leadership of Ghulam Abbas showed full support for the Indian Muslim League and “also accepted the Muslim League’s resolution for the creation of Pakistan” but the Muslim league did not provide much support to revived Muslim Conference while leaders of the Indian National Congress provided every support to S. M. Abdullah and his party in their struggle against the Dogra rule. The separatist theory propounded by Mohammad Ali Jinnah attracted attention but little active support in its initial days. The Muslim majority areas observed “Muslim State Day” on first November, 1940.
In 1942, The British Government sent Cripps Mission to India to decide about political future of India which assured India’s liberation at the end of World War but was silent towards the future of princely states. On April 20, 1942 National Conference called a meeting at Srinagar in which State leaders declared that the agreements made between the East India Company and the State rulers were not acceptable to nine crore people of the Princely States and it was the right of the peoples representatives and not that of the rulers to speak on behalf of the Princely States. Cripps Plan was not accepted by Indian National Congress and All India Muslim League which was basic condition for its implementation, so Cripps Mission was a failure but it strengthened the position of Muslim League and Pakistan no more remained a visionary fanatic dream.

The fourth annual session of National Conference was held at Mirpur from April 09 to April 11, 1943 when the World War Second was at its climax. The President of session, S. M. Abdullah voiced his concern for the democratic forces and pleaded the cause of Russia and in concluding part of his address, S. M. Abdullah invited all people and parties which aimed at the achievement of responsible Government to join the National Conference.

In October 1943, some Punjabi leaders of Muslim League visited the Valley and held meetings with the leaders of National Conference, where long discussions were held on the political fabric of the subcontinent. S. M. Abdullah sensed the changing political scenario of the country and increasing popularity of Muslim League among Muslims and wrote a letter of good wishes to Mohammad Ali Jinnah, who in response invited S. M. Abdullah to Delhi. Meanwhile Muslim Conference also requested M. A. Jinnah to visit the State. On February 18, 1944, S. M. Abdullah and G. M. Bakshi met Mohammad Ali Jinnah in Delhi at his residence and invited him formally to visit the State which was accepted. The State Premier also dispatched an invitation card to Mr. Jinnah and invited him to be State guest for two weeks during his visit.

During meeting between S. M. Abdullah and M. A. Jinnah at Delhi, S. M. Abdullah observed:

“First the State of Jammu and Kashmir from the population point of view is a Muslim dominated State, where the population of Muslims is about 80%. Therefore, their political outlook is that of a majority and not minority. In comparison to me, you are
representing a minority community of India who are striving for the safeguard of their rights.

Second, on the basis of experience I have reached the conclusion that the grievances of the people are rooted in economic rather than religious factor. And my movement is not aimed against the persons but against a given system.

Third, the demand for a separate homeland on the basis of religion would divide India into pieces.”

Mohammad Ali Jinnah replied:

“To you, I am fatherly and my hair has turned white during the course of my long career in politics. My experience is that a Hindu is not trustworthy. They can never become your friends. I tried to own them throughout my life but failed to win their confidence. A time will come when you will remind my words and feel sorry.”

Mohammad Ali Jinnah was given grand reception both by National Conference and Muslim Conference. M. A. Jinnah tried to end the differences between National Conference and Muslim Conference to form a joint platform for the Kashmiri Muslims and suggested a meeting between S. M. Abdullah and Chaudri Ghulam Abbas to end mutual differences through cordial dialogue which was held at residence of S. M. Abdullah but the meeting failed to convince the two. Jinnah also advised Chaudri Abbas to learn Kashmiri language because in his view the Muslim Conference could not otherwise make an effective headway.

M. A. Jinnah stayed in the Valley for more than two months and listened to the viewpoint of prominent leaders of both National Conference and Muslim Conference and finally gave his verdict on June 17, 1944 in annual session of Muslim Conference where he declared that in his opinion, Muslim Conference alone is the representative organization of the State Muslims. So National Conference launched a vigorous campaign against M. A. Jinnah and organized various meetings at Srinagar in which leaders of National Conference lashed at M. A. Jinnah that he had made an unnecessary intervention in the political matters of the Kashmir. Had Abdullah ever developed any understanding with Mohammad Ali Jinnah, or had Ghulam Abbas or
another political figure taken Abdullah’s place as a popular leader, the future of Kashmir could have been very different.  

3.2 Naya Kashmir Plan:

The Major impact of labour ideology in the Kashmir freedom movement came through the organization of Trade Union Movement and “Mazdoor Sabha” organized in the Valley by involvement of leaders like P. L. Bedi, G. M. Sadiq, G. M. Karra etc. By 1943, there had emerged a big group of CPI progressives in the National Conference who were able to influence its future strategy in decisive manner. It was in the background of such political and ideological transformation that National Conference adopted future strategies in the course of history. It is only in this context that the sweeping Land Reforms between 1937 and 1950 can be understood. On July 13, 1943, the Maharaja Hari Singh appointed a Royal Commission of inquiry under the Chairmanship of Justice Ganga Nath, Chief Justice of Jammu and Kashmir for inquiring into the abuses of State administration. It consisted of 12 members out of whom six were Muslims. Mirza Afzal Beigh and Ghulam Mohammad Sadiq represented National Conference whereas most of the remaining members belonged to vested interests like Jagirdars, pensioners and other reactionary elements. Soon it became clear that the commission was meant to safeguard the rule of Maharaja after the withdrawal of British from India. So National Conference asked its members to resign from the Commission and decided to submit to Maharaja a comprehensive plan for the economic, social, political and cultural reconstruction of the State which came to be called Naya Kashmir Manifesto which was submitted to Maharaja as memorandum on 31 July 1944 at Mujahid Manzil, the headquarters of National Conference in public ovation ceremony organized by National Conference after Maharaja had returned from Europe tour. Naya Kashmir Manifesto was adopted by National Conference in its annual session held in Srinagar from September 28th to 30th, 1944 under the presidentship of S. M. Abdullah. In the formulation of “Naya Kashmir” the experience of the Soviet Union was the main inspiration as evident by the introductory part in which S. M. Abdullah writes, “In our times Soviet Union had demonstrated before our eyes not merely theoretically but in her actual day-to-day life and development that real freedom takes birth only from economic emancipation”. It was compiled by Maulana Muhammad Syed Masoodi while communist leader
B.P.L. Bedi translated it into English and gave it shape of a memorandum as well as manifesto. This document came to be called as the Political Bible of National Conference.

The programme was not only a constitutional blueprint of a Sovereign Independent State, looking after its own defence and external affairs but also contained a radical socio-economic programme. The Naya Kashmir Manifesto adopted by National Conference in 1944 envisaged a pattern of parliamentary democracy in the State with independent judiciary and also a programme of social, economic and educational reforms. The manifesto had broadly two parts, one dealing with the constitutional structure of the State and other dealing with the National Economic Planning including Socio-Educational Schemes.

The first part was subdivided into: (a) Citizenship (b) National Assembly (c) Council of Ministers (d) Ruler (e) Justice (f) Local Administration and (g) National Language.

This manifesto was based on democratic principles and granted its citizens freedom of speech, freedom of press, freedom of assembly, freedom of demonstrations etc and proposed establishment of National Assembly to be directly elected by citizens of the State by electoral districts on the basis of one deputy per 40,000 population for a period of five years by recourse to Universal Adult Suffrage by secret ballot.

The Naya Kashmir Manifesto includes the charter of women which guarantees them equal rights in all matters and safeguards their interests. This Manifesto also proposed to establish a National Educational Council for preparing schemes for development and improvement of education. It proposed establishment of National Health Council for taking steps for maintaining proper health of citizens, Agricultural Council for Agricultural planning of the State, National Communication Council for improvement of the transportation and establishment of an organization for cultural and social upliftment of the society. The Naya Kashmir Manifesto supports socialization of all instruments of production and advocates abolition of chakdhar and absentee landlordism and distribution of all lands among the peasantry. It also advocates the nationalization of all existing industries and establishment of new ones in the public sector. The Naya Kashmir Manifesto proved
it beyond doubt that the ideological foundations of National Conference were based on socialism and nationalism.

The Government of State announced diarchy on October 2, 1944 according to which two popular ministers were to be selected from amongst the members of Assembly, one of whom was to be a Muslim and the other a Hindu. The National Conference General Council nominated Mirza Afzal Beigh as its candidate. On October 19, 1944 Maharaja appointed Ganga Ram from Jammu and Mirza Mohammad Afzal Beigh of National Conference from Kashmir as Home Minister and Public Works Minister Respectively. Mr. Beigh due to lack of Government support could not do anything for the welfare of State. So National Conference directed him to resign which he did on March 17, 1946 and was succeeded by Ahmad Yar Khan.

National Conference held its fifth annual session at Sopore from 4th August, 1945. Jawaharlal Nehru visited Srinagar to attend this session and praised National Conference for promoting secularism. He appealed to minorities to strength this mass organization not only for wider Nationalistic response but also for the goal of their own community.

3.3 Quit Kashmir Movement:

In 1946, The British Government sent three member team namely Sir Lawrence, Sir Stafford Cripps and Mr. Alexander to India to work out a solution regarding future of British India. With the arrival of Cabinet Mission, it became clear that after partition of country into India and Pakistan, the Princely States would have to decide as to which country they would like to join. In February 1946, working Committee meeting of National Conference criticized the British attitude towards Princely States. S. M. Abdullah tried to meet Maharaja personally at Bombay in order to discuss the future of the State but Maharaja refused to meet S. M. Abdullah.

Meanwhile Mohammad Ali Jinnah discussed Kashmir affairs with Muslim Conference leaders Choudhary Ghulam Abbas and A. R. Sagar in January 1946. Muslim Conference General Secretary Showket Ali showed great activity in reorganizing the Muslim Conference in 1946. Cabinet Mission visited Valley for six days from April 19, 1944 but could not meet S. M. Abdullah who was out of State during that period. So S. M. Abdullah sent a telegram to the cabinet Mission from
Lahore which contained not merely the establishment of the responsible Government in the State but talked about right of people to absolute freedom from autocratic rule of the Dogra House. The memorandum added:

“Nearly a hundred years ago the people of Kashmir became the victims of a commercial deal by the covetous agents of the East India Company. For the paltry consideration of 75 lakh of Sikh currency rupees the people of Kashmir, the land and its potential wealth were sold to Maharaja Gulab Singh, the Dogra Vassal of the Sikh empire.

We challenge the moral and political validity of this sale dead to which the people of Kashmir were never a party and which has since 1846 been the document of their bondage.”

It further added:

“No sale-deed, however sacrosanct, can condemn more than four million men and women to the servitude of an autocrat when the will to live under his rule is no longer there. We, the people of Kashmir, are determined to mould our own destiny and we appeal to the members of the Cabinet Mission to recognize the justice and the strength of our cause.”

On his return to Valley, S. M. Abdullah launched “Quit Kashmir Movement” on May 15, 1946 for a historical meeting at Maisuma, Srinagar. S. M. Abdullah reiterated:

“The demand that the princely order should quit the State is a logical extension of the policy of “Quit India”. When the freedom movement demands complete withdrawal of the British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. The rulers of Indian States have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Czars and the French Revolution made short work of the ruling class of France. The time has come to tear up the Treaty of Amritsar and Quit Kashmir. Sovereignty is not the birth right of the Maharaja Hari Singh; Quit Kashmir is not a question of revolt, it is a matter of right.”
The Quit Kashmir Movement was a landmark in the freedom struggle of the State as it developed volcanic fervor of enthusiasm among the masses. This movement was meant for all shades of public opinion and all communities, irrespective of their creed or religion. Most Congress leaders including Indian National Congress President Acharya Kriplani opposed the movement of Quit Kashmir but Pandit Jawahar Lal Nehru and Jay Prakash Narayan supported the movement. Maharaja and his protagonists in the State left no stone unturned in persuading Mahatma Gandhi and Sardar Patil for not extending their favour and support to Quit Kashmir movement.

There was minor clash between Hindus and Muslims on May 18, 1946 when National Conference workers were raising anti Hari Singh slogans. So on May 19, 1946 S. M. Abdullah called off the Quit Kashmir movement to ensure Hindu-Muslim unity. The Government arrested S. M. Abdullah and his party members on charges of sedition against the Maharaja. The number of those arrested exceeded three thousand. Pandit Jawahar Lal Nehru condemned the repressive policy of the Dogra regime and said, “Srinagar had become a city of dead” and that “a wall of Jamia Masjid had been demolished.” Pandit Nehru decided to come to Srinagar with a team of lawyers to defend S. M. Abdullah and started his journey from Rawalpindi on June 20, 1946 along with three hundred Congress workers but was arrested along with some of his colleagues and lodged in Uri, Dakbanglow. Mahatma Gandhi and Maulana Azad sent a message to Pandit Nehru for his immediate return to Delhi which Nehru accepted and returned to Delhi. Karan Singh, son of Maharaja Hari Singh believes that this episode marked a turning point in relations between his father’s Government and the future Prime Minister of India. Pandit Nehru returned to Srinagar on July 24, 1946 and was accompanied by Shahnawaz, Habib-U- Rehman and several others. He attended trial of Sheikh Abdullah and had a long meeting with S. M. Abdullah at Badami Bagh Cantonment. The Maharaja however refused to meet Pandit Nehru on the grounds of ill health. Pandit Jawaharlal Nehru should be credited with the knowledge, more than any other leader of British India, of the picture that the future had in store and was wise enough to think that it was in the interests of Congress that he should be on side of S. M. Abdullah. In September 1946, Sheikh Abdullah was sentenced to three years of simple imprisonment and fine of Rs 15,000. “Sheikh Abdullah Day” was observed on 10 November 1946 and
slogans of “Quit Kashmir”, “Dogra Raj Murdabad” and “Baghi Abdullah Zindabad” were raised in processions.  

3.4 Prelude to Accession:

In January 1947, Hari Singh called for fresh elections to the Legislative Assembly although main political leaders of both political parties were imprisoned in jail. The National Conference boycotted the elections, so Muslim Conference won 16 seats out of 21. The National Conference said the low poll demonstrated the success of their boycott while Muslim Conference attributed the low turnout to the snowfall. 

Indian Independence Act was passed by the British parliament on July 16, 1947 by which the British paramountcy was to lapse on August 15, 1947 and country was to be divided into India and Pakistan. The rulers of the Princely State were advised by Lord Mountbatten to accede to either of the two dominions, India or Pakistan on the issue of defence, communications and foreign affairs otherwise they may be cut off from any source of supply of up-to-date arms or weapons. The leaders of the Princely States were advised to take into consideration two facts like geographical location of their States and communal factors while acceding to either of the two dominions. 

Maharaja Hari Singh had a dream of complete independence which was supported by some top Hindu leaders of Jammu. Muslim Conference leadership assured Maharaja complete support and co-operation from Muslims as the first constitutional ruler of an independent and democratic Kashmir. Lord Mountbatten visited Valley on June 19, 1947 to urge Maharaja not to make any declaration of independence, but to find out will of the people and accede to the dominion which the people prefer. Mountbatten advised Maharaja Hari Singh not to talk about independence but to enter into standstill agreement with both India and Pakistan and eventually join “one of the two States, at least for defence, communication and external affairs.”

On last day of Mountbatten’s visit, this issue was to be finally settled but Maharaja pretended an attack of colic so meeting was cancelled. Muslim League opposed this visit and said the Government of India is trying to exercise coercion upon Maharaja just to compel him for the accession of the State with India. Mountbatten advised
Congress leaders not to visit the Valley as it will affect the partition plan but Congress leaders including its President Acharya Kripalani and Mahatma Gandhi visited the State in July-August 1947. In early August, Mahatma Gandhi visited Kashmir and persuaded Maharaja to replace Prime Minister Ram Chander Kak who favoured an independent Kashmir, and accede to India. On August 11, 1947, Ram Chander Kak was replaced by General Genak Singh as premier of the State. It is to be mentioned that the partition of the subcontinent resulted in the communal riots across the country but the Valley of Kashmir continued to be a centre of peace and communal harmony. Maharaja desired to maintain the relations with both India and Pakistan through a standstill agreement and was seriously considering Independence as option when his Government approached India and Pakistan for standstill agreements. This becomes clear from the letter sent by the Maharaja to Lord Mountbatten on 26th October, 1947 in which he wrote:

“As your Excellency is aware the State of Jammu and Kashmir has not acceded to either the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economic and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China in their external relations. The Dominions of India and Pakistan cannot ignore this fact. I wanted to take time, to decide to which Dominion I should accede, whether it is not in the best interests of both the Dominions and my State to stand independent, of course, with friendly and cordial relations with both of them.”

There was no response from Indian side perhaps because there was no direct contact between India and Kashmir. A standstill agreement was made with Pakistan by Telegraph and the department had started to work under the Pakistan Telegraph Department. On August 14, the independence of Pakistan, Pakistan flag was hoisted on the post office building, Srinagar but State Premier General Genak Singh immediately issued orders to pull it down. Meanwhile Pakistan Government sent a representative to persuade Maharaja to accede to Pakistan which was turned down. Pakistan Government also deputed two representatives namely Dr. Muhammad Din Taseer and Shaikh Sadiq to Srinagar to persuade S. M. Abdullah to have the accession of the State with Pakistan but he rejected the offer.
By 15 August 1947, all six hundred princely States with three exceptions had acceded either to India or Pakistan mostly on the ground laid down in the partition plan. The three which remained out were Junagarh, Hyderabad and Kashmir. In Junagarh, 80 percent population was of Hindus but ruler was Muslim. He acceded to Pakistan but accession was rejected by Lord Mountbatten and plebiscite was conducted which favoured India. So the State acceded to India. Similarly, Nizam of Hyderabad was Muslim while 80 percent of the population was of Hindus. The Nizam wanted to assume dominion status or to join Pakistan but on September 13, the Indian army invaded Hyderabad and subdued all opposition. The trouble over Kashmir arose as India laid claim to every single Hindu Majority area on the pretext that the people of these States were not with the rulers hence their accession to Pakistan was not acceptable. On the other hand, Pakistan made claim over the Muslim Kashmir on the same ground but the claim was always rejected by India.

Sheikh Mohammad Abdullah was released on September 29, 1947 due to the pressure coming from Congress leadership including Gandhi after he tendered an unqualified apology to Maharaja in his letter of September 26. The release of S. M. Abdullah was followed by the release of other leaders and workers of National Conference. S. M. Abdullah re-organized its volunteer corps to look after the lives, honour and property of the people as he had apprehensions of the tribal raid. The National Conference opposed any unilateral act of accession by Maharaja Hari Singh as was made explicit by S. M. Abdullah on his release from the prison on September 29, 1947. He said:

“If the State’s accession with India and Pakistan is done from upper chambers without the consent of the 40 lakh people of Jammu and Kashmir, I shall raise revolt, we will all have to launch another struggle.”

All parties of Kashmir Valley except National Conference were in favour of accession with Pakistan, so S. M. Abdullah declared that he had an open mind on the issue of accession and invited rival claimants to come and convince him. S. M. Abdullah sent his emissaries to Pakistan for negotiations with Jinnah, for which he was severely criticized by Rashtriya Swayam Sewak Sangh leaders. He assured the people that he would not sacrifice the interests of Kashmiris because of his past enmity with
Pakistan leaders and friendship with Nehru and Gandhi and declared that he had an open mind on the issue of accession\(^{141}\). According to Balraj Madhok:

“Sheikh Abdullah had sent his emissaries to Jinnah at Lahore on October 5, 1947 to tell him that he was prepared to put his weight in his favour of accession of Jammu and Kashmir State to Pakistan if he was given an assurance that he would be entrusted with reigns of power in Kashmir Valley. Jinnah had refused to give any such assurance and had declared that Kashmir was going to fall in his lap like a ripe apple in any case. Sheikh Abdullah was with India not because of conviction but because of compulsions of personal interest.”\(^{142}\)

On 15 October 1947, S. M. Abdullah left for Delhi to meet Pandit Nehru\(^{143}\) who received S. M. Abdullah at airport in the capacity of the Prime Minister of India. It was during this visit that S. M. Abdullah in a press conference said:

“The people of Kashmir want to decide their future in a peaceful atmosphere and without any external intervention. If any decision was forcibly thrust upon us, we shall revolt. It is the right of Kashmiri masses and not that of Maharaja to decide their future. But they cannot decide anything till their freedom is restored.”\(^{144}\)

3.5 Accession:

In the initial days of August, news regarding the tribal movement began to come. The trouble started when the Maharaja ordered his Muslim subjects to surrender their arms to the police which was resisted by Muslims in the hills of Poonch which gave rise to a war like situation between Muslim ex-servicemen and the Dogra forces which ultimately resulted in communal trouble and brought whole Jammu region under the violence. Meanwhile, the law and order problem in the Muslim area of Poonch was worsening and resulted in communal riots which spread to whole Jammu region and resulted in killing and migration of a large number of people, particularly the Muslim subjects. These events were reported to Pathan tribesmen of the northwest with whom Poonch rebels were already in contact and resulted in entry of tribals into Kashmir. On 21 October, there were some 2000 Pathans in Kashmir who had entered through Baramullah\(^{145}\) which resulted in the killing of huge number of people. When tribals occupied some areas of Kashmir like Muzaffarabad, Bimbar, Kotli etc, Maharaja Hari
Singh felt that they would occupy the entire State and he could no longer retain his hold over the State. Maharaja fled from Srinagar to Jammu at midnight of October 25, 1947 along with hundred Lorries loaded with precious goods. Maharaja had been advised to leave the Valley by V.P.Menon, the Secretary of States, Government of India. On October 21, National Conference President S. M. Abdullah who was in Delhi issued statement which laid the responsibility for the deterioration of the conditions at Poonch on the Maharaja. S. M. Abdullah and his party mobilized people not only against the raiders but also for communal harmony and assured Hindus and Sikhs that as long as he was alive their life and honour would be safe. He further pleaded that, “Hindus are my relatives because I am from the same stock. If you kill them you are killing my relatives”. To mobilize people against tribal invaders, S. M. Abdullah coined slogans like “Sher-e-Kashmir Ka Kya Irshad- Hindu Muslim Sikh Ittehad” i.e what is the message of Sher-e-Kashmir- Hindu Muslim Sikh unity” and “Hamla Awar Khabardar, hum Kashmiri hain tayar” i.e come on invaders, we are ready. It was under these circumstances that Gandhi saw ‘ray of Hope’ in Kashmir when whole of the subcontinent was hit by communal hatred.

S.M.Addullah said:

“Today the raiders from Pakistan are a few miles from Srinagar. They are raising the slogans of Islam. It is open to you to be with them or to be with me. If you opt to be with me you must know that you have to live for all times on the principle that Hindu, Muslim and Sikhs are brothers. If that is the language of a “kafir” you should raise your sword first against me. If you want to raid or rape “kafir” I am the first “Kafir” and you must start it from my place and my family.”

Pandit Jawahar lal Nehru comments on people’s resistance in these words:

“Srinagar was in peril and the invader was almost on its doorsteps. There was no administration left, no troops, no police... Sheikh Mohammad Abdullah and his colleagues of the National Conference and their unarmed volunteers- Muslims, Hindus and Sikhs- took charge of the situation, kept order and prevented panic. It was a wonderful piece of work they did at a moment when nerves of the most of the people might have failed them.”
Tribal raid forced Maharaja to leave Kashmir and reach Jammu, from where he appealed Government of India for help. Maharaja Hari Singh on October 26, 1947 wrote to Lord Mountbatten:

“With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for me, without my State acceding to India. I have accordingly decided to do so and I attach the Instrument of accession for acceptance by your Government.”

The extension of Indian military help to the Maharaja of Jammu and Kashmir in October 1947 is well documented. As for the controversy whether the Maharaja signed the document of accession to India before or after its direct intervention in Kashmir is unclear and only mires the Kashmir question in the political wrangles of these nation states.

Maharaja further informed Lord Mountbatten in his letter of October 26, 1947 about his intention to set up an interim Government in which S. M. Abdullah was to work as emergency officer with Prime Minister of the Government. The document was received and forwarded by Maharaja through V.P.Menon who had come from Delhi on October 26, 1947 and returned on the same day. V.P.Menon has written about this event in following words:

“Personally when I recommend to the Government of India the acceptance of the accession of the Maharaja of Kashmir, I had in mind one consideration and one consideration alone, i.e the invasion of Kashmir by the raiders was a grave threat to the integrity of India.”

He further adds:

“We had no territorial ambitions in Kashmir. If the invasion by the raiders had not taken place, I can say in the face of any contradiction that the Government of India would have left Kashmir alone.”

On the return of V.P.Menon, the instrument of accession was signed by S. M. Abdullah on behalf of National Conference who was present in Delhi at the residence
of Pandit Jawaharlal Nehru\textsuperscript{157}. The premier of State, Mehar Chand Mahajan was also present on the occasion and signed the document of accession. Accepting the instrument of accession, Mountbatten in his letter of October 27, 1947 replied to the Maharaja that:

“In consistence with their policy that in case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government’s wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of States accession should be settled by a reference to the people and we shall accept their verdict.”\textsuperscript{158}

By instrument of accession, Maharaja handed over the three subjects Defence, Foreign affairs and Communication to the Government of India while it remained autonomous in all other respects\textsuperscript{159}. This was also confirmed by prime Minister Pandit Jawaharlal Nehru who in his November 2, 1947 Radio broadcast reaffirmed:

“We have decided that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given and the Maharaja had supported it, not only to the people of Jammu, but also to the world. We will not and cannot back out of it. We are prepared when peace and law have been established to have a referendum held under international auspices like United Nations. We want it to be fair and just reference to the people and we shall accept their verdict.”\textsuperscript{160}

This was further assured by Pandit Nehru in a historic meeting held at Lal Chowk, Srinagar on 12\textsuperscript{th} November 1947, where he reiterated the pledge to the people that their verdict about the future would be final even if it goes against India\textsuperscript{161}. S. M. Abdullah left for State on 27th October, 1947 and was made Chief Emergency Officer by the Maharaja\textsuperscript{162} at Jammu while other leaders of the National Conference became administrators and emergency officers of different areas and zones\textsuperscript{163}. The Government functioned under the Constitution Act of 1939, wherein reserve powers were retained by Maharaja while emergency powers were transferred to emergency administration\textsuperscript{164}.
After the appointment of S. M. Abdullah as Chief Administrator, serious rift arose between Maharaja and Sheikh Mohammad Abdullah. Kanwar Dilip Singh, an agent of the Government reported to Sardar Patel, Minister for States that:

“His highness dislikes Sheikh Abdullah and Sheikh Abdullah’s endeavours to try and maintain authority in Jammu and Kashmir without reference to His Highness are merely causing friction and tension.”

Sardar Patel replied:

“Until the Plebiscite is completed we have to remain careful and stressed the need for a spirit of accommodation for balance and Statesmanship in order to preserve the State.”

The differences between Premier of Maharaja and Sheikh Abdullah were increasing with time, so National Conference leadership asked Maharaja to terminate the services of Mahajan. Finally, the issue was resolved on Sardar Patel’s intervention and on 5th March 1948, S. M. Abdullah was sworn in as the Prime Minister of interim Government to conduct the administration of the State. The first Cabinet consisted of S. M. Abdullah, Bakshi Ghulam Mohammad, Ghulam Mohammad Sadiq, Mirza Afzal Beigh, Sham Lal Saraf, G. L. Dogra, Sardar Budh Singh and Colonel Pir Mohammad Khan. The interim and popular Government started taking political revenge after its establishment and those who opposed Government view including remaining Muslim Conference leaders were picked and thrown in jail and most of them were pushed to Pakistan through Suchetgarh border. S. M. Abdullah dissolved State Assembly because its Muslim members represented the “enemy” party, the Muslim Conference. The office holders of National Conference monopolized all spheres of life and this period was popularly known as “Halqæ President Raj” meaning “rule of zonal presidents of National Conference”. S. M. Abdullah repeatedly said that:

“I cannot allow anyone to support Pakistan, I shall uproot them who speak in praise of Pakistan, those who are for Pakistan have no place in Kashmir, they should go to Pakistan, and I cannot hear the name of Pakistan”.

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This condition has been nicely narrated by the Shair-e-Kashmir (poet of Kashmir) Mahjoor as:¹⁷²

\textit{Noonas Gauos National Waanus,}

\textit{Dhoupham Gode Ral Hindustanus seeth,}

\textit{Zoojan Wandha Hindustanus,}

\textit{Dil Chum Pakistanus seeth}

(I went to National shop to purchase salt. The shopkeeper asked me that without pledging support for accession to India, I cannot get salt. I replied, while I would sacrifice my very being for India, my heart throbs for Pakistan).

P.N. Bazaz writes that for the first time in the annals of Kashmir, hundreds of Government servants, magistrates, gazetted officers, departmental heads, high ranking secretaries and others candidly expressed their opposition to the scandalous regime and black terror with the result that they were not only discharged from services but were also thrown into prison. All these were not supporters of Pakistan but they opposed the Government for its cruelty or denounced goondaism and high handedness.¹⁷³ Listening of Radio Pakistan was prohibited and anyone who violated it was arrested along with the radio set. The Government opened community broadcasting system by installing 218 listening posts in Kashmir and 150 in Jammu who were under the control of the local organisation of National Conference. The local papers were rigorously censored and papers of Pakistan were not allowed entry into the State. In 1947 before the Nationalists came to power there were not less than forty-eight newspapers and periodicals published from Srinagar, Jammu and other big towns propagating different views and belonging to all shades of political opinion but more than half of these Journals including all critical, bold and independent ones were stopped by the high handed methods of pre-censorship or forced to suspend publication by underhand means.¹⁷⁴ In 1951, The Nationalist Government amended the Press and Publication Act of 1932 to further strengthen its hold over the press.¹⁷⁵ Only the Daily Khidmat, the official organ of National Conference got patronage and all officials, Government contractors, Panchayats and ration depot holders were ordered to subscribe only for Daily Khidmat¹⁷⁷.
In 1948, the National Conference Government in order to mobilise people in its favour took various steps including abolition of all *Jagirs, Chaks, Muafis* and *Mukararies*, and its holders were made to give up their privileges without any compensation and about 4,000 acres of land was transferred to the tillers\(^{178}\). The peasants were invited to cultivate free of rent the land they worked on\(^{179}\). The Jammu and Kashmir Distressed Debt’s Relief Act 1949 was passed by the Government under which the debts to tune of the Rs 290 lakhs were settled at Rs 98 lakhs only and 60% of the claims were disposed by conciliation. Debt of a debtor who had paid more than one half of the gross amount either in cash or kind stood cancelled\(^{180}\). Big Landed Estates Abolishing Act was passed in 1950 by which a ceiling of 22.5 acres was imposed on land ownership and surplus land was transferred to the tillers without compensation to the landowners which resulted in transfer of about 2.3 lakh acres of cultivable land to two lakh tillers by the end of 1953 and about 8 lakh acres up to 1961\(^{181}\). It was only because of these Land Reforms that National Conference managed to consolidate its position in rural areas as end of landlordism was synonymous to freedom for these rural people and such was the impact of these Land Reforms that the rural people continued to support S. M. Abdullah even after he signed Accord of 1975.

Constituent Assembly of India was set up in 1946 for the purpose of drafting a Constitution for India. It met for first time in New Delhi on 9\(^{th}\) December, 1946\(^{182}\) and acted as first Parliament of India after Independence. A six member committee was formed by the Constituent Assembly on 21\(^{st}\) December, 1946 to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of fixing the distribution of seats for Indian States in Constituent Assembly and the method adopted to choose these representatives\(^{183}\). The Committee decided that in these States, 50% of total representatives of States shall be elected by the elected members of Legislature or other Electoral Colleges and 50% shall be nominated by the Maharaja’s. The Committee further decided that in regard to the two States viz., Kashmir and Hyderabad, these rules will not be followed as elections to their Legislature has been boycotted by important organisations representing people of the State concerned.\(^{184}\)
On 4th November 1948, Constituent Assembly allotted four seats to State of Kashmir in the Constituent Assembly and the Ruler of the Kashmir was given authority to choose these representatives but in Constituent Assembly meeting of 27th May 1949, it was decided that such seats may be nominated by the Ruler of Kashmir on the advice of his Prime Minister. Mr. Gopalaswami Ayyangar informed the House that as Prime Minister of State of Kashmir happens to represent the largest political party in the State, so the Prime Minister should have the privilege of advising the Ruler as who should be the proper representative of Kashmir in the Constituent Assembly. Some members wanted that half of these representatives should be elected from Praja Sabha, Legislative Assembly of State as has been done in case of other States or fresh elections should be held to choose these representatives but Government insisted that Praja Sabha is dead and there has been no meeting of Praja Sabha since April 1947 and the conditions in the State are not conducive for conducting elections at this time. Pandit Jawaharlal Nehru in his statement stressed that participation of people in Praja Sabha election was least and it was boycotted by all decent people in Kashmir. Some members suggested that the nomenclature of “Kashmir” State be changed, and the State be described as the “State of Jammu and Kashmir” instead of “Kashmir”. Pandit Jawaharlal Nehru suggested that the nomenclature of State should not be changed but words “otherwise known as the State of Jammu and Kashmir” should be inserted within brackets after the word “Kashmir” and Constituent Assembly accepted it.

In the Constituent Assembly, there was also discussion about whether the Accession of Kashmir is unconditional or conditional. Prof. K.T. Shah was of view that Accession was subject to confirmation by result of the Plebiscite but Pandit Jawaharlal Nehru negated it and said that Accession was unconditional and complete. Maulana Hasrat Mohani told the Constituent Assembly that unless the status of Kashmir Government and status of Maharaja is decided, it is futile to give representation to Kashmir in Constituent Assembly. Mr. Gopalaswami Ayyangar informed the Constituent Assembly that the Accession was offered by the Maharaja and was unconditional. He further stated that Government has offered to hold Plebiscite when the conditions are created for the holding of a proper, fair and impartial Plebiscite but that act of ratification is not necessary for the completion of
the Accession and if the Plebiscite produces a verdict which is against the continuance of Accession to India, then we shall not stand in the way of Kashmir separating herself from India.¹⁹⁵ He further asserted that we are not bringing representation from Kashmir into House for the purpose of placing their seal on the Act of Accession but are giving them opportunity for the exercise of the rights they have obtained by virtue of the fact that Accession has already taken place¹⁹⁶. Pandit Jawaharlal Nehru strongly protested against remarks by Prof. K.T. Shah and told the Constituent Assembly that the resolution is only concerned with representation of Kashmir in the Constituent Assembly so issues regarding future of Kashmir should not be discussed¹⁹⁷.

The four representatives from State of Kashmir joined the Constituent Assembly on 16¹⁶ June, 1949. They included Sheikh Mohammad Abdullah, Mirza Afzal Beg, Maulana Syed Masoodi and Shri Moti Ram Bagda¹⁹⁸. After detailed meetings and discussions between the Indian leaders and the representatives of the Jammu and Kashmir, Gopalaswami Ayyanger prepared a draft of Article 306-A on the basis of discussion reached between the two parties but S. M. Abdullah did not accept the draft¹⁹⁹ as the provisions of the Article 306-A were different from the items agreed in the discussions between S. M. Abdullah and Pandit Nehru. The provisions drafted by Ayyanger included the applicability of citizenship, Fundamental Rights and Directive Principles of the Indian constitution to the Jammu and Kashmir.

On 12 October 1949, Sheikh Mohammad Abdullah wrote to Ayyanger that the draft sent by you was not acceptable because it was opposite to the stand taken by the National Conference and prepared an alternative draft in which application of the provisions of the constitution of India were restricted to the subjects specified in the instrument of accession²⁰⁰. Ayyanger again redrafted the Article 306- A and replaced the provisions regarding Fundamental Rights and Directive Principles but State leaders did not accept it. On October 17, 1949, S. M. Abdullah wrote to Ayyanger:

“It was not possible to accept your revised draft and in order to accommodate your viewpoint to the maximum extent possible; I submitted another draft to you.”²⁰¹

The leadership of National Conference did not want application of Fundamental Rights and Citizenship provisions of Indian constitution as it could affect the State subject laws which prohibit the acquisition of property by other citizens of India in the State of Jammu and Kashmir.
Article 306 (A) was inserted in the Draft Constitution on 17th October 1949 and resolution to this effect was moved by Shri Gopalaswami Ayyangar. Shri Gopalaswami Ayyangar informed the House that in case of other States or Union of States, provisions of Article 211 apply as they all have accepted the Constitution. Secondly in these States, Centre will have power to make laws and thirdly, a uniformity of relationship has been established between these States and the Centre but Kashmir’s conditions are special and require special treatment.

Article 360 (A) grants special status to State of Jammu and Kashmir. According to Clause (a) of this Article, the provisions of Article 211 (A) of Constitution do not apply to the State of Jammu and Kashmir. The second provision of this Article relates to Legislative authority of Parliament over the State of Jammu and Kashmir which is governed primarily by the Instrument of Accession and Legislative powers of Parliament is confined to three subjects of defence, foreign affairs and communications and their related items. So Clause (i) b of Article 360 (A) says that listing of items as per the terms of new Constitution should be done by the President in consultation with the Government of the State. Clause b (ii) refers to possible additions to the list in the Instrument of Accession, and these additions could be made according to the provisions of this Article with the concurrence of the Government of the State. Clause (c) and (d) of this Article refers to provisions of the Constitution other than the matters listed in List I and III. According to these Clauses, Article 1 of the Constitution will automatically apply to Jammu and Kashmir. With regard to other provisions, these will apply to the State with such exceptions and modifications as may be deemed on and when the President issues an order to that effect in concurrence with the Government of the State.

Finally, the special provisions were included in the constitution of India and State of Jammu and Kashmir was given a special position by way of Article 370 of the Indian Constitution. According to provisions of Article 370, Article 1 of the Indian Constitution was made applicable to the Jammu and Kashmir thus bringing the State of Jammu and Kashmir within the territorial jurisdiction of India. Article 370 further included provision that the Jammu and Kashmir State was to frame a constitution for
its Government while the legislative authority of the Indian parliament was confined to the subjects of foreign affairs, defence and communications.

There was detailed discussion between leaders of National Conference and Congress over the timing and contents of proclamation of Constituent Assembly of Jammu and Kashmir. Jawaharlal Nehru was of the view that proclamation for the Constituent Assembly should be issued by the Yuvraj as demanded by Sheikh Abdullah but it should not mention that Constituent Assembly will decide about the accession of State to India. He further wrote to Sheikh Abdullah that nothing should be said in proclamation that creates difficulties for India in the Security Council as India has taken stand in United Nations that the Constituent Assembly is not meant to decide the question of Accession. He suggested that Proclamation of Constituent Assembly should not include reference to the areas under occupation of foreign armed forces as it would come into conflict with assurances that India has given in the United Nations Security Council.

On 20 April 1951, the new ruler of Jammu and Kashmir Karan Singh proclaimed his order of holding elections for a Constituent Assembly “forthwith”. The elections took place on 15 October, 1951 on basis of adult suffrage in which all 75 seats were won by National Conference, 73 unopposed and two after contests. S. M. Abdullah in his opening address to the Constituent Assembly observed:

“The Cabinet Mission has provided for the three courses which may be followed by the Indian States while determining their future affiliations. A State can either accede to India or accede to Pakistan, but failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State.”

These elections were boycotted by the Praja Parishad of Jammu as they declared that elections were unfair as State Government had brought undue pressure, restored to illegal practices and rejected Parishad nominations wholesale. The Constituent Assembly formed two committees on 7th November, 1951, one Basic Principles Committee and other Advisory Committee. The Advisory Committee was given the task of formulating the principles regarding the application and enforcement of Fundamental Rights and determining the matters relating to Citizenship. The Basic
Principles Committee recommended democratic form of Government for the State, abolition of hereditary rule and Jagirdari System with no compensation.

The President of India issued a constitutional order in 1950\textsuperscript{213} for application of Indian Constitution to the State. This order was placed before the Constituent Assembly for its approval but members of the Constituent Assembly wanted some modifications and exceptions regarding the applicability of these provisions. The differences arose on issues of Fundamental Rights, Citizenship, jurisdiction of Supreme Court, Election Commission, Comptroller and Auditor General, Emergency provisions etc.

Nehru initiated a dialogue with S. M. Abdullah in a bid to overcome these differences. In this connection, a delegation of Kashmiri leaders headed by Sheikh Mohammad Abdullah went to Delhi to discuss the details of the relationship of the State with the Union Government. After hard bargaining by both sides, Nehru and Abdullah entered into an agreement on Centre- State relations in July 1952 popularly known as “Delhi Agreement” which put a seal of approval to special position of State. The main features of the Delhi Agreement were following:

1. The decision to abolish Dogra monarchy was accepted by Central Government.

2. Indian Citizenship Act was made applicable to the State but the State legislature was empowered to regulate the rights and privileges of permanent residents especially in regard to acquisition of immovable property and appointment to services.

3. Financial Emergency under Article 352 could be proclaimed by President of India at the request or with the concurrence of the State.

4. Advisory tribunal present in State was abolished and the Jurisdiction exercised by it was vested in Supreme Court of India. Further it was agreed that the Supreme Court’s original Jurisdiction would extend to State and would have Jurisdiction with regard to the fundamental rights which applied to the State.
5. The State would retain its own flag but the Union flag would have a supremely distinctive place in the State.

6. Residuary powers were kept with the State and not with Centre.

7. Central Government agreed to the stand of State Government to abolish Jagirdari system without any compensation.

8. It was decided that financial arrangements between the State and the Government of India should be considered further.

When the Delhi Agreement was placed before the Constituent Assembly, members expressed varied thoughts with most members alleging that the application of the Indian Constitution with regard to Indian Citizenship, Fundamental Rights, Jurisdiction of the Supreme Court of India, Emergency Powers etc would affect the Muslim majority character of the State. The proponents of full merger of State with Indian union also criticized the Delhi Agreement. Regarding abolition of Dogra monarchy, Jawaharlal Nehru was of opinion that Constituent Assembly of State should not act in haste and this should be done in consultation and concurrence with President of India. Sheikh Abdullah wanted that Monarchy should be abolished at the earliest and should be decided by 11 August, 1952. Jawaharlal Nehru suggested that Constituent Assembly of State should not directly depose Maharaja on its own and opposed the Clause in proposed draft that asked the President of State to be Class 1 citizen of State. Jawaharlal Nehru further argued that it would be better for Constituent Assembly of State to draft the full Constitution, before giving effect to any part of it. The institution of hereditary monarchy was finally abolished by the State Constituent Assembly immediately on 21 August 1952 by a formal resolution and the Head of the State was designated as the Sadar-i-Riyasat. Sadar-i-Riyasat was to be elected by the State Legislative Assembly for five years upon confirmation by the President of India but it was compulsory for him to be permanent resident of the State. No action was taken by the State Government with regard to other provisions of the Delhi Agreement and the remaining clauses of the Delhi Agreement were referred to the sub-committees of the Constituent Assembly for their consideration.
There was a strong agitation in Jammu led by the Praja Parishad against the grant of special status to the State of Jammu and Kashmir. The termination of the monarchy and the transfer of land to tiller without compensation had affected the interests of the feudal leadership of Jammu. The main demand of Praja Parishad in agitation was that either constitution of India be applied to Jammu and Kashmir in its entirely or Jammu be detached from Kashmir and merged with the Indian Union with the status of a part ‘B’ State. The Praja Parishad’s movement intensified with new slogans:

*Ek desh mein do Vidhaan*

*Ek desh mein do Nishan*

*Ek desh mein do Pradhaan*

*Nahi chalenga, Nahi chalenga*  \(^{219}\)

(Two constitutions in one country, two flags in one country, and two heads of the State in one country are unacceptable).

Praja Parishad agitation got support not only in Jammu but also from throughout India which proved an eye opener for S. M. Abdullah. So he started dreaming of an Independent Kashmir  \(^{220}\). The agitation in Jammu led by Praja Parishad and supported by communal forces throughout country led to alienation of Kashmiri leadership from India and most of Kashmiri leaders started showing negative response over the accession. Most Kashmiri Muslims began to feel that their entity, which they had defended against Muslim invaders from Pakistan, seemed again in danger  \(^{221}\).

In a series of public speeches and statements, S. M. Abdullah expressed his unhappiness over the agitational politics in the Hindu dominated region and expressed his doubts over the accession to India  \(^{222}\). In March 1952, S. M. Abdullah said:

*"No country- neither India nor Pakistan – can put spokes in the wheel of our progress"*  \(^{223}\)

In his speech at Rambir Singh Pora in Jammu on 10 April 1952, he said:
“We have acceded to India in regard to defence, foreign affairs and communication in order to ensure a sort of internal autonomy...if our right to shape our destiny is challenged and if there is resurgence of communalism in India how are we to convince the Muslims of Kashmir that India does not intend to swallow up Kashmir, such developments might lead to break in accession of Kashmir to India.”

Similarly speaking at a National Conference rally on 25 July 1952, he said:

“The confidence created by the National Conference in the people (regarding accession of the State), has been shaken by the Jana Sangh and other communal organisations in India.”

Jawaharlal Nehru tried to mollify Sheikh Abdullah by stating that India has no intention of intimidating Kashmir. He appreciated the positive role of State in dealing with some of the problems related to Jammu agitation particularly in relation to land reforms and acknowledged that communal forces outside State including Jan Sangh and Hindu Mahasabha supported Praja Parishad outside State to make it a National issue and challenge Government of India.

National Conference formed eight member committee headed by S. M. Abdullah to suggest proposals for a peaceful solution of Kashmir dispute between India and Pakistan which were:

1. Overall Plebiscite (including choice for independence)
2. Independence of the whole State;
3. Independence of the whole State with joint control by India and Pakistan;
4. Dixon plan with independence for plebiscite area

Loyalty of S. M. Abdullah became doubtful and there were rumors of United States support for Independence of Kashmir and that Sheikh Abdullah had been encouraged for it by Adlai Stevenson, U.S Ambassador during his visit to State in May, 1953. Whether there was any truth in the independence theory or not but it caused grave concern to the Indian leaders. It is this background which prepared the ground for next major political development in The State. The scheme for dismissal of S. M.
Abdullah was hatched both in New Delhi and the Valley by the forces against him. This atmosphere of distrust, suspicion and doubt led to dismissal of his Ministry from power and he was deposed and arrested under Public Security Act on August 9, 1953 and Bakshi Ghulam Mohammad, Deputy Chief Minister, Home Minister of the State and Chief Organiser of National Conference was sworn in as Prime Minister. Sheikh Abdullah was also deprived of his Presidentship of the National Conference. Despite Nehru’s denials, most historians believe that a rift was engineered in the National Conference leadership and Abdullah was removed because of his negative response to Indian leaders as he was reluctant to lead Kashmir into the Indian Union.

Although Nehru was ineffective in rendering support to S. M. Abdullah but communal forces were always openly and severely rebuffed by Nehru.

3.6 Kashmir Conflict and United Nations Organization:

On January 1, 1948, India filed a formal complaint in the Security Council against Pakistan under section 35 of the Chapter VI which relates to ‘a pacific settlement of dispute’ and not under Chapter VII which deals with the ‘Acts of Aggression’. The Government of India asked the Security Council to take immediate action otherwise it would send its own armed forces across the Pakistan territory for dealing effectively with the invaders, if Pakistan did not stop assisting invaders. Defending the accession, India said that the request had come only from Maharaja and was supported by S.M.Abdulllah on behalf of people of Kashmir. Pakistan denied its involvement in tribal invasion and charged India that it had acquired the accession of Kashmir by fraud and violence and its representative in U.N Sir Zafarullah Khan remarked:

“What is not fully known is the depths of misery to which they (Kashmiris) have been reduced by a century of unmitigated tyranny and oppression under Dogra rule until it is difficult to say which the greater tragedy to a Kashmiri is; his life or his death?“  

The UN Security Council met on 15th January, 1948 to discuss the issue. The Security Council passed two resolutions on this, one on 17 January 1948 asking the parties involved “not to aggravate the situation but to do everything to improve it” and second on 17 April, 1948 recommending setting up of a five member commission to proceed to subcontinent and mediate between the two Governments. It was
recommended that Pakistan should secure the withdrawal of tribesmen and Pakistan nationals, and India should progressively withdraw its forces to minimum strength required for the maintenance of Law and Order. It further recommended release of all political prisoners, formation of coalition cabinet having representatives of all major political parties, nomination of plebiscite administration to ensure freedom and impartiality in the eventual plebiscite and establishment of observers as it may require in pursuance of the measures indicated above\(^\text{238}\). Both the countries rejected these resolutions but accepted the office of United Nations Commission for India and Pakistan (UNCIP) in the subcontinent.

On 13 August 1948, the commission passed its third resolution which outlined agreements for cessation of hostilities and stated that a final decision on the future of the Jammu and Kashmir shall be determined in accordance with the will of the people\(^\text{239}\). India accepted the resolution but Pakistan objected to it on ground that it did not contain detailed guarantees for a free plebiscite\(^\text{240}\). After another round of negotiations, the commission was able to make the two Governments agree to a ceasefire from January 1, 1949 and on 22 July 1949, a ceasefire line was established by mutual agreement and Admiral W. Nimitz was nominated as the ‘plebiscite administrator’. UNCIP was disbanded on 14 March 1950 and replaced by a United Nations Representative by the Security Council for assisting in demilitarization. Sir Owen Dixon was chosen for this assignment, who after detailed discussion with all concerned parties formulated plan for solution of problem which is commonly called as Dixon Plan. Dixon Plan called for two alternatives. One, in which plebiscite would be done by sections or areas and the allocation of each section or area was to be done according to the result of the vote therein. Second, in which it was conceded that some areas were certain to vote for accession to Pakistan and some for accession to India and by which, without taking a vote therein, they should be allotted accordingly and the plebiscite should be confined only to uncertain areas, which appeared to be the Valley of Kashmir and perhaps some adjacent country”. Both India and Pakistan rejected Dixon Plan. In 1949, Jawaharlal Nehru wrote to Sheikh Abdullah that in United Nations, India will take stand that Kashmir should be decided by concerned parties themselves and the President of Security Council might help in bringing them together, if he chooses so\(^\text{241}\).
On 30 April 1951, the Security Council appointed Frank. P. Graham as new U.N representative but his recommendations were also rejected by both the countries. Graham in his report presented to the Security Council on 25 April 1952 recommended that:

(1) The Governments of India and Pakistan should refrain from augmenting the existing militarily potential of their forces in Kashmir,
(2) They should observe the ceasefire agreement and the Karachi agreement of 27 July 1949,
(3) They should undertake by 15 July to reduce the forces under their control in Kashmir; and
(4) His negotiations with the two Governments should be continued with a view to removing the remaining differences and facilitating the implementation of the United Nations Commission’s resolutions of 13 August 1948 and 5 January 1949.

India did not agreed to retention of ‘Azad Kashmir’ forces on ‘Azad Kashmir’ side of the ceasefire line and same was conveyed to Sheikh Abdullah by Jawaharlal Nehru. India relied on support of Soviet Union in Security Council so did not accept Graham’s proposals. Similarly Pakistan also rejected these proposals. The deadlock continues till date and so far there has been no amicable solution acceptable to all concerned parties.

One of the main reasons for failure of United Nations to solve the Kashmir problem was super-power rivalry between U.S.A and former U.S.S.R who for their own interests in South Asia supported Pakistan and India respectively and created hurdles in solution of the Kashmir issue. The former U.S.S.R used its veto against Pakistan on the Kashmir issue in 1957 and 1962. The inability of India and Pakistan to arrive at any compromise also proved an obstacle in solution of Kashmir conflict.
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