

Political Machinations and the Elusive Peace in Kashmir

MOHD ZUBAIR UD DIN

Lecturer History, J & K School Education Department
Jammu and Kashmir, India

MASSARAT ABBAS

Lecturer History, J & K School Education Department
Jammu and Kashmir, India

Abstract:

This paper is an attempt to explore the historical factors responsible for the alienation or the trust deficit that does obtain between the Union government of India and Jammu and Kashmir or Indian administered Kashmir with primary focus on the 1947-1963 period. This paper will not delve into the international contours of the Kashmir issue reflected from a series of United Nations resolutions on it but will primarily attempt at exploring the erosion of special status of Kashmir (political autonomy) enshrined in article 370 of the Indian constitution that took place during the regimes of Sheikh Mohammad Abdullah and Bakshi Ghulam Mohammad's at the behest of New Delhi especially between 1952-1963. Steps aimed at bringing Kashmir at par with other states of the Indian union have eroded the faith of a politically conscious Kashmiri in the democratic credentials of India. Political machinations have been the hallmark of the political landscape of Kashmir and even Jawaharlal Nehru, a moralist and the standard bearer of democratic ideals and principles, could not prove the litmus test when it came to Kashmir. The elections in Kashmir have always remained controversial thus telling upon the efforts of India to effect a stable and emotional integration of Kashmir with the Indian union.

Key words: Bakshi Ghulam Mohammad, Article 370, Elections, Kashmir, Political autonomy, Erosion of autonomy, India, Sheikh Mohammad Abdullah

Introduction:

A reminiscent of the colonial era, Kashmir continues to remain in headlines for obvious geo-political and historical reasons. Peace in Kashmir has proved a veritable enigma ever since it signed the instrument of accession with India on 26th October, 1947 surrendering its defence, foreign affairs and communication in the wake of precarious security situation as obtained in Kashmir [1]. The tribal revolt had engulfed Kashmir which brought the government of Maharaja Hari Singh down to knees. In the wake of impending breakdown of administrative-cum-military apparatus, Maharaja Hari Singh, the Dogra ruler of Jammu & Kashmir, in desperation [2] but encouraged and emboldened by Shiekh Mohammad Abdullah [3], the political stalwart of then Kashmir, requested the government of India for immediate military assistance. V.P. Menon, advisor to the government of India in the ministry of states was rushed to Srinagar to assess the situation on ground. He sent panic signals to Delhi and called for an immediate security assistance which was readily given but before that as a legal necessity the formal instrument of accession was signed by Maharaja Hari Singh, thereby effecting the state's "temporary" [4] accession with India. Law and order was restored and Sheikh Mohammad Abdullah of National Conference assumed the reigns of popular government [5].

Removal of Sheikh Mohammad Abdullah

The events that followed the signing of the instrument of accession were marked by deliberate attempts on the part of the government of India to bring Kashmir at par with other states of the union. This period witnessed the beginning of a rift between Jawahar lal Nehru, India's Prime Minister and Sheikh Mohammad Abdullah, The Prime Minister of Jammu and Kashmir [6-7]. It needs to be mentioned here that the

constituent assembly of India had passed Article 370 according to which the constitutional provisions concerning the princely states did not apply to the state of Jammu and Kashmir. It further stated that role of Indian parliament in dealing with Jammu and Kashmir. Indian parliament could legislate on certain specified matters only in concurrence with the state government of Jammu and Kashmir [8]. Shiekh Muhammad Abdullah , the Prime Minister of Kashmir smelled foul and he came out in open defiance of New Delhi. He put on the apparel of a rebel with the aim to abort every such move of the government of India which transgressed the mandate as provided through the instrument of accession [9-11]. The instrument of accession, which had formed the basis of original relationship between Centre (Delhi) and State (Jammu and Kashmir) was being scrapped and superseded by a much tighter set of constitutional bonds [12]. Sheikh Abdullah feared that Jammu and Kashmir would be brought at par with the other states of the Indian union and no wonder, he demanded that his state be granted the fullest degree of autonomy in consonance with the instrument of accession [13]. To quell the misgivings the Nehru-Abdullah accord also known as the Delhi Agreement was concluded on July 24,1952. Although the issues were mainly constitutional –the extension of central institutions to Jammu and Kashmir but the political differences lingered [14]. Even though the Delhi Agreement attempted to clarify the vague and undefined aspects of the constitutional relationship between India and the state of Jammu and Kashmir [15], there were some contradictions as could be had from the divergent perceptions held by Jawahar Lal Nehru and Sheikh Mohammad Abdullah. Sheikh Mohammad Abdullah repudiated those parts of the Delhi Agreement which he took as an encroachment on the political autonomy of Jammu and Kashmir like the transfer of the control of state telegraph and Telephone department to Delhi and the extension of the jurisdiction of the Supreme Court of India to Kashmir [16]

.Sheikh Mohammad Abdullah favoured those provisions of the Delhi Agreement which appealed to him and in a way reflected the special status of Jammu and Kashmir. In this regard he quickly implemented the provision related to the abolition of monarchy. The Dogra monarchy was formally abolished on August 21, 1952 [17]. Jawahar Lal Nehru was deeply dismayed at the stance of Shiekh Mohammad Abdullah. He wrote to Shiekh Mohammad Abdullah on June 28, 1953 , ‘To me, it has been a major surprise that settlement arrived at between us should be repudiated. That strikes at the root of all confidence...’ [18]. When it became clear that Sheikh Mohammad Abdullah would not yield he was ousted from power in the most unceremonious and unconstitutional manner, on 8th August, 1953. He was straightway shown the door to prison at Udhampur, near Jammu. This very event sent a wave of protest, dismay and anger in Kashmir and dented the credibility of Indian establishment in the eyes of the politically conscious citizens of Kashmir. The unethical removal of Sheikh Abdullah from the premiership reflected that the Indian government abused the terms of the Delhi Agreement and also undermined the democratic process in Jammu and Kashmir with far reaching repercussions in future political history of Jammu and Kashmir [19-21].

Integrationist Measures

Shiekh Muhammad Abdullah’s departure from the scene left the way clear for the political establishment of New Delhi to bring Kashmir under more and more laws of the central government. They had a man ready in Bakshi Ghulam Mohammad (considered once the right hand man of Shiekh Muhammad Abdullah and who had declared his faith in Shiekh Muhammad Abdullah as fundamental article of faith) who showed an uneasy eagerness in effecting the integration of Jammu and Kashmir with the Indian union. Bakshi Ghulam

Mohammad's reign lasted for a decade (1953-1963) during which he was allowed to run an unrepresentative, unaccountable government in Srinagar in return for facilitating the integration of Jammu and Kashmir with India on the terms of New Delhi resulting in the deteriorating law and order situation and an erosion of the autonomy of Jammu and Kashmir as defined by the instrument of accession and then guaranteed under Article 370 of the Indian constitution [22]. Bakshi Ghulam Mohammad thus negated the policy of National Conference leadership under Sheikh Muhammad Abdullah which aimed to build the constitutional structure of Jammu and Kashmir on the pillars of maximum autonomy and limited integration with the Indian union. The Bakshi era (1953-1963) saw the erosion of autonomy guaranteed to Jammu and Kashmir. It is in place to mention here that a decision to set up a Constituent Assembly in Jammu and Kashmir was taken in 1951 with the aim to frame the future constitution of Jammu and Kashmir and also define its relationship with the Indian union. Elections to this Constituent Assembly were held in August, 1951. The National Conference headed by Sheikh Muhammad Abdullah won all the 75 seats though the fairness of the elections was open to challenge. The first meeting of the constituent Assembly was convened on 31st October, 1951. The utterances of Sheikh Muhammad Abdullah in the Constituent Assembly alarmed the Indian establishment for there was determination within National Conference to pursue its own agenda for Jammu and Kashmir which apart from other things was centred on the guaranteed political autonomy for Jammu and Kashmir. It did cause some alarm within the Indian establishment which culminated with the ouster of Sheikh Abdullah from power. Nevertheless the Constitution for Jammu and Kashmir which was finally adopted on 17 November, 1956 and came into effect on 26 January, 1957, coinciding with the republic day of India, 'ratified' the accession of Jammu and Kashmir to India by declaring that "the state of

Jammu and Kashmir is and shall be an integral part of the Union of India". Shiekh Abdullah was behind the bars at this time and his supporters had organized the plebiscite front in the aftermath of his arrest [23-25]. It is in place to mention here that the Presidential order of 1954 had empowered the Indian parliament to legislate on all the matters of the Union list although the instrument of accession (1947) and the subsequent Delhi Agreement (1952) ,also known as Nehru-Abdullah accord had confirmed that all powers except Foreign affairs, defense and communications would remain vested in the government of Jammu and Kashmir [26]. The adoption of the constitution set in motion process of integration of the Jammu and Kashmir with the Indian union. Several measures were adopted to consolidate the state's ties with the rest of the country in a few years after the adoption of the constitution. A few of these measures were;

1. application of fundamental rights,
2. extension of jurisdiction of the Supreme Court of India,
3. Transfer of services to the union list ,
4. extension of the authority of the Auditor General of India,
5. approval by the Planning Commission of the State Development programme,
6. financial allocation from the centre,
7. abolishing of the customs barrier,
8. integration of services and association of the state with the Northern Zonal Council.

The above mentioned measures unleashed the alienation forces which became consolidated in the collective political psyche of Kashmir, although Kashmir was liberally financed to balance the effect [27-30]. To add salt to injury the elections held during the Bakshi regime in 1957 and 1962 were heavily rigged and the results could hardly reflect the popular opinion of the state [31-32].

Removal of Bakshi

The Bakshi rule became notorious for the rampant corruption and the authoritarianism demonstrated by the liberal use of police and professional thugs against any kind of opposition to the government. The political dissent was crushed with a heavy hand. The freedom of expression was limited. The political opponents were subjected to intense physical tortures. This state of affairs continued though under the watchful eyes of Jawahar Lal Nehru, a great protagonist of democracy [33-36]. However, there was a shift in the mood of New Delhi towards Bakshi in 1963 who was now regarded as an embarrassment who had outlived his usefulness. But underneath there were some compelling reasons. Bakshi had resisted the further dose of integrationist measures of the government of India which wanted to bring Jammu and Kashmir at par with other states of Indian Union. To add, Bakshi had issued a statement on Kashmir on 13 August, 1963 which had left New Delhi embarrassed. Finally Bakshi fell to the diplomatic maneuverings of Nehru under the Kamraj plan and another grim chapter was added to the political history of Kashmir. And When Bakshi Ghulam Mohammad tried to defeat the designs of New Delhi by helping to install his favourite, Shams-ud-din to power, the Holy relic at Hazratbal was 'mysteriously' stolen. In the heat of the political storm that erupted with the theft of Holy relic, Bakshi became the primary target as he was blamed for the Holy relic theft [37-39].

Conclusion

The study of the sources testify to the fact that New Delhi has always remained in the lookout to erode the special status of Jammu and Kashmir which was guaranteed to it and then attested to by article 370 of the Indian constitution in the

backdrop of the extraordinary situation under which Maharaja Hari Singh signed the instrument of accession. Sheikh Abdullah fought for upholding the political autonomy of Jammu and Kashmir. When persuasion failed to align and rein in Sheikh Abdullah, the most popular leader of Kashmir, to the whims and fancies of the Indian establishment he was removed in the most unceremonious manner. His removal created a dent in the credibility of India in the eyes of the people of Kashmir as could be seen by the spontaneous protests on the eve of Sheikh Mohammad Abdullah's arrest and the political activities undertaken under the umbrella of Plebiscite front. Bakshi Ghulam Mohammad was installed to the throne and he facilitated the erosion of State autonomy. His strong arm tactics to suppress his opponents, the rampant corruption, the controversial elections and the like were all accommodated by New Delhi in lieu of his tacit support to the ever increasing erosion of the article 370 of the Indian constitution and the consequent merger of Jammu and Kashmir with the Indian union much against the spirit of the United Nations resolutions on Kashmir. There was, no doubt, a massive economic activity witnessed within a few years after the arrest of Sheikh Muhammad Abdullah. A number of projects were undertaken in Kashmir as Bakshi enjoyed the full backing of New Delhi. A new vigour was injected into the tourism industry. A number of Hospitals and dispensaries were set up across the length and breadth of Jammu and Kashmir. Moreover, the local talents received an encouragement as radio Kashmir and the cultural academy boosted the local talents in music, art and culture. Education was declared free from primary to post graduate level. It is true the socio-economic developments which Kashmir experienced during the Bakshi era could have proved a boon for ushering peace and stability in Kashmir and cemented the alliance based on trust between New Delhi and Srinagar had the Indian political establishment of India remained sincere in its political commitments and obligations and not interfered

with the political autonomy of Jammu and Kashmir. The political machinations provided the ammunition to fuel and consolidate the separatist sentiment in Kashmir. What could have been more embarrassing than the fact that the same Bakshi Ghulam Mohammad who loyally served the interests of New Delhi for a decade was shown the door, once he outlived his utility. Ironically he was lodged in the same prison in 1964 where Sheikh Mohammad Abdullah had been incarcerated. What happened after till the eruption of mass militancy in 1990's reflect a continuity of the political machinations and as a consequence the elusive peace in Jammu and Kashmir.

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