

Working Paper 233

**History Revisited:
Narratives on Political and
Constitutional Changes in
Kashmir (1947-1990)**

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ISBN 81-7791-189-9

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The Institute for Social and Economic Change,
Bangalore

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HISTORY REVISITED: NARRATIVES ON POLITICAL AND CONSTITUTIONAL CHANGES IN KASHMIR (1947 -1990)

Khalid Wasim Hassan*

Abstract

One of the main conflicts prevailing in South Asia today is that of the row over Kashmir. The long history of the conflict, the states involved in the conflict and its geo-political position has always placed it in the forefront of discussion both at the regional and international level. In order to understand the present situation it is important to engage in historical analysis. The selective facts chosen by the historians from both India and Pakistan and to some extent by Kashmiri scholars, gives an incomplete picture of the conflict. There is a need not only to follow the chronology of different political events but also to look at the debates and narratives on these events. This paper will attempt to look at different narratives of the history of the political and constitutional changes in Kashmir, between 1947 and 1990.

Introduction

Many themes mark Kashmir's history. The more constant theme, however, is its beauty and the expectation, expressed so frequently, that because Kashmiris live in such magnificent surroundings they should live peacefully. The princely state of Jammu and Kashmir, created in 1846, comprised several areas that were once independent principalities and regions: the valley of Kashmir, Jammu, Ladakh, Baltistan, Mirpur, Poonch, Muzafarabad, Gilgit, Nagar and Hunza, and other smaller kingdoms and hill states. The state covers spans an area of about 84,000 square miles with the valley comprising only one-tenth of this space. Presently, however, the state has been divided effectively along the 'Line of Control' (LoC) between India and Pakistan. China also claims a section of Ladakh known as the Aksai Chin. The total population on both sides of the LoC has been estimated to be about 12 million. It is the Kashmir valley Kashmir that has been the important centre for politics. Though Muslims dominate the Kashmir valley, there are significant numbers of Hindus and Sikhs who have traditionally lived in the Jammu region and the valley, besides a small number of Buddhists in Ladakh. For the last six decades Kashmir has been the source of conflict between the two states of India and Pakistan. There have been political and constitutional changes within Kashmir, changes of politics between Kashmiri leadership vis-a-vis Delhi and the changes in politics between India and Pakistan over Kashmir. It is important to capture the narratives on these changes to understand the nuances the Kashmir conflict.

Pre-1947 period

The present divided state of Jammu and Kashmir was created as an autonomous political entity by the British colonial administration in 1846. In recognition of the neutrality practiced by the then ruler of Jammu and Kashmir, Maharaja Gulab Singh, in the first Anglo-Sikh war (that tipped the balance of power in their favour), the British rewarded him with a vassal of Maharaja Ranjit Singh, who was

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I would like to thank Prof Supriya RoyChowdhury and Prof. Ramchandra Guha for their valuable suggestions on the subject.

defeated. Thus, the State of Jammu and Kashmir came under the Dogra rule when the British transferred it under the *Treaty of Amritsar* on March 16, 1846, to Maharaja Gulab Singh, through what amounted to be a sale deed, for a sum of Rs.75,00,000 (Lamb, 1991). Thus, the newly created entity of Jammu and Kashmir joined the ranks of princely states (numbering 561 at that time) as a sovereign entity with the British crown being the sovereign overlord. In terms of political administration, it meant that the Viceroy of India did not govern Jammu and Kashmir. Its ruler was sovereign in all internal matters with defence and foreign affairs being supervised by a 'political agent' of the British crown as suzerain with 'paramount authority'. Maharaja Gulab Singh began his rule by conquering the neighbouring territories of Gilgit in the northwest and Ladakh in the east. He consolidated his hold on his kingdom through his autocratic rule (Rai, 2004). The Dogra rule lasted in Kashmir for about a century (1846 - 1947) and for the most part, it witnessed undemocratic governance and tyranny that provoked resentment among the Kashmiris.

Instrument of Accession

There were about 562 Princely States when the sub-continent was divided into India and Pakistan. These Princely States were divided under three main categories: a) those which enjoyed, in principle, full legislative and jurisdictional powers, b) those over which the British enjoyed a measure of control through some formal engagement over internal administration and c) those landed estates with extremely limited governmental rights. It was the Government of India Act of 1945 that provided the framework for the accession of the Princely States to either India or Pakistan. The rulers in the first category, or so-called fully empowered states which included the Princely State of Jammu and Kashmir, had the option to join an appropriate dominion by signing an Instrument of Accession which transferred to the domain the three powers - Defence, External Affairs and Communication.

Against the backdrop of the division of the sub-continent into dominions of India and Pakistan, the Maharaja of Jammu and Kashmir showed reluctance to join either of the two dominions. He felt his interests would be best served if he remained independent (Bose, 2003; Malik 2005). This was made clear in a press statement by his deputy Prime Minister R B Batra: *We intend to keep friendly relations with both Pakistan and the Indian Union. Despite constant rumours we have no intention of joining either India or Pakistan...the Maharaja has told me that his ambition is to make Kashmir the Switzerland of the East - a state that is completely neutral.* [1]

The Maharaja had a standstill agreement with Pakistan. India was not ready for such an agreement. The Princely State of Jammu and Kashmir could not remain independent for long. A 'tribal invasion' from the North West Frontier and the Maharaja's request for military assistance from India completely changed the course of events. On October 22, 1947, the tribesmen, comprising Afridis, Wazirs, Masuds and Swatis, launched an attack along the Jhelum valley road and with hardly any resistance from the Maharaja's forces were able to reach Baramullah, a town 40 km from Srinagar. These tribesmen could not reach Srinagar because, allegedly, they were involved in loot and rape in Baramullah town; they even killed some Europeans in St Joseph's Convent (Akbar, 1991).

On October 24, 1947, the Maharaja made an urgent appeal for help to the Government of India. Before sending any help, Lord Mountbatten asked for legal formalities to be completed regarding

accession which would be only temporary prior to 'a referendum, plebiscite, election or even if methods were implantable, by representative public meetings' (Campbell-Johnson, 1972). While waiting for possible help from India, the Maharaja fled to Jammu with his family and valuable property.^[iii] In the absence of a ruler, Sheikh Abdullah who had been recently released from jail mobilised the supporters of the National Conference into an indigenous militia to defend Srinagar.^[iii] Hard pressed by these events, the Maharaja signed the Instrument of Accession on October 26, 1947, ceding to the Government of India, as per normal practice, jurisdiction over defence, foreign affairs and communication. He handed over the 'Instrument of Accession' document to V P Menon, an emissary of the Indian government in Jammu. The Indian government had insisted on accession before sending Indian troops and to have legal rights to intervene in Kashmir. On October 27, 1947, the first Indian airborne units landed in Srinagar and with the help of the National Conference cadre forced the tribesmen to retreat.^[iv]

There are different versions on this 'tribal attack' and the Instrument of Accession. One put forth by the Indians is that this tribal invasion was a desperate attempt by Pakistan to capture Kashmir by force. In their attempt to capture Kashmir, the tribesmen also killed and intimidated the non-Muslim population by attacking their life and property. As per this view, Pakistan not only supported and encouraged the tribesmen but officers of the Pakistani army were part of it. This was refuted by the Government of Pakistan. The private secretary to President Jinnah at that time, K H Khurshid, while denying any official involvement recalls his meeting with Jinnah on September 30, 1947:

I left Karachi on October 1, 1947. My last meeting with Quadi Azam was on September 30, 1947. We discussed Kashmir for two hours. We discussed everything and Quadi Azam told me 'Please convey to our leaders in Kashmir that I do not want to create any trouble for the Maharaja at the moment, I want them to remain calm and we shall deal with the situation latter on as it arises'.^[v]

The other argument put forth is that the tribesmen were incited into a 'Holy War' to liberate Kashmir on hearing the stories of atrocities that fleeing Muslims brought with them and that they came to help the people of their religion who already had started a rebellion against the Maharaja (Khan, 1970). There were people, mainly supporters of the Muslim Conference, who were waiting to welcome the Qabilis as their 'liberators' from the Maharaja's autocratic rule but they too were annoyed by the indiscipline of the tribesmen (Whitehead, 2007). Birdwood (1953) also argues that the invasion originally was a spontaneous response of the tribes to outrage meted upon Muslims in East Pakistan and the Maharaja's territories, but he also points out to the covert backing from the Pakistan government.

In recent years, many writers have questioned the 'legality' of the Instrument of Accession signed between Hari Singh and the Government of India in 1947. Writers like Lamb (1991) and Schofield (1996) not only give details regarding the inconsistency about the exact date when the Maharaja signed the instrument, but also the question of the competency of the Maharaja to sign any instrument of accession as 'he had, to all intents and purposes, been overthrown by his subjects'.

United Nations Intervention and Plebiscite

The 'tribal invasion' and the subsequent fighting that continued until January 1948, finally forced India to refer the issue to the United Nations. Gopaldaswami Ayangar and Zafrullah Khan from India and Pakistan, respectively, presented the views of their countries to the UN Security Council. India formally accused Pakistan of complicity in the tribal invasion of Kashmir, which had begun on October 22, 1947, and requested the Security Council to call upon Pakistan to desist from all such activities in future. India maintained that the accession of Kashmir on October 26, 1947, was legal, that Pakistan had aided the tribal invasion and therefore committed aggression against its neighbour. Pakistan equally insisted that the accession was illegal, that the incursion by the tribesmen was not an invasion but merely a reaction to the illtreatment of Muslims in Kashmir by the Maharaja and that Pakistan had equal status with India vis-à-vis Kashmir. ^[vii] Authors like Brecher (1960), Nayer (1972) and Akbar (1991) are critical of the weak deliberations from India which was reflected in the fact that emphasis in the discussions in the Security Council had shifted from aggression to plebiscite and even the title of the complaint before the UN was changed from "The Jammu and Kashmir Question" to "The Indo-Pakistan Question". According to Akbar (1988) it was a blunder on the part of Prime Minister Jawaharlal Nehru to take the issue to United Nations because a legally domestic Indian problem became an international issue.

During the course of the year various resolutions bearing plebiscite were put forward by the United Nations. ^[viii] On January 20, 1948, the Security Council passed a resolution which established a commission, known as the United Nations Commission for India and Pakistan, to investigate the facts of the dispute and carry out 'any mediatory influence likely to smooth away difficulties'. ^[viii] One more resolution was passed by the Security Council on April 21, 1948, which called on the Government of Pakistan to secure the withdrawal from the State of Jammu and Kashmir of the tribesmen and Pakistani nationals not normally resident there and who had entered the State for the purpose of fighting. The Government of India was requested to reduce its forces to the minimum strength, after which the circumstances for holding a plebiscite should be put into effect 'on the question of the accession of the State to India or Pakistan'. ^[ix]

In August 1948, the United Nations Commission for India and Pakistan also adopted a resolution unanimously calling on India and Pakistan to reach a ceasefire arrangement in Kashmir, following which an internationally supervised process could be set in motion so that the future status of the Jammu and Kashmir 'shall be determined in accordance with the will of the people'. ^[x] The ceasefire line was finally imposed on January 1, 1949, and the line was to be monitored by a United Nations Military Observer group. Finally the two countries formally signed their acceptance of a plebiscite in the January 5, 1949 resolution in which the first operative paragraph stated that 'the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through democratic method of a free and impartial plebiscite'.

Besides direct intervention by the UN Security Council and the UN Commission on India and Pakistan, there was informal mediation by the Security Council President, General A G L McNougthan, and the appointment of jurists and diplomats like Sir Owen Dixon and Dr Frank Graham as the representatives of the UN to India and Pakistan. They came with proposals for demilitarisation and plebiscite. For implementation of the resolutions passed by United Nations, the governments of India

and Pakistan expressed strong reservations over some of the conditions. This response from India and Pakistan was determined by their basic view of the origin, evolution and meaning of the Kashmir dispute. The UN resolutions on the Kashmir issue, particularly the 1948 resolution referring to plebiscite became a part of the vocabulary of pro self-determination religious-political groups and it still dominates the discourses on the movement.

National Conference Administration 1948 - 1953

Sheikh Abdullah became the undisputed head of the interim government of Jammu and Kashmir, with the title of Prime Minister, in March 1948. The new administration was to govern until a Constituent Assembly could be elected. The interim government was interested in the implementation of its *Naya Kashmir* programme. The *Naya Kashmir* Manifesto put forward by the National Conference was clearly based on the Jacobian conception of popular sovereignty, augmented by a generous dollop of Bolshevism in the socio-economic parts of the programme (Bose, 2003). In the *Naya Kashmir* proposals Abdullah made a powerful case for the conversion of Jammu and Kashmir into an independent state and described it as the Switzerland of South Asia, perhaps in alliance with India free from British rule but not an integral part of it. According to Widmalm (2002) the ideas of modern Kashmiri nationalism, expressed as distinct from Indian and Pakistani nationalism, can be traced to this *Naya Kashmir* proposal. The implementation of this proposal commenced without delay with the main thrust on land reforms. The Abolition of Big Landed Estates Act, passed in 1950, put maximum land holding at 22.5 acres; the rest went to the tenants. As most of the cultivable land in Kashmir belonged to the Maharaja directly or his *jagirdars* and a small class of landlords who mostly constituted Jammu Hindus, it created a sense of loss of economic power after the loss of political power. Akbar (1991) argues that this land reforms programme, on the one hand, benefited the peasantry and, on the other, consolidated the peasants' ties with India because they understood it and Abdullah told them so - that such reform would not be possible in Pakistan which protected feudalism.

In early 1951 the National Conference government began preparations to convene a Constituent Assembly in Srinagar. Pakistan objected to this move and raised the matter in United Nations, where the Security Council responded with a resolution in late March 1951, reminding the concerned authorities of the principle embodied in its earlier resolutions that the final disposition of Jammu and Kashmir will be made in accordance with the will of the people, expressed through the democratic method of free and impartial plebiscite under the auspices of the United Nations. The National Conference government went ahead nonetheless and Constituent Assembly elections were announced on April 30, 1951 for 75 seats, while 25 were reserved for the areas of Azad Kashmir. Though it was supposed to be the first 'free and fair' elections after overthrowing the Maharaja's rule, it set a grim precedent for future elections. [xi]

In the Kashmir valley and Ladakh, 43 National Conference candidates were elected unopposed and the two non-National Conference candidates withdrew latter. The Praja Parishad representing Jammu Hindus, and the only other tolerably organised party in the State, boycotted the elections after the nominations of 13 candidates were rejected (Korbel, 1954; Lamb, 1991). No democratic space was left for opposition. Thus, The National Conference with absolute majority and the slogan of 'one leader'

(Abdullah), 'one party' (National Conference) and 'one programme' (Naya Kashmir) formed the Constituent Assembly (Bose, 2003).

The Constituent Assembly met on October 31, 1951. Sheikh Abdullah called it the "Day of Destiny" (Akbar, 1991). The formation of the Constituent Assembly did not put an end to the debates over accession. In his opening address to the Constituent Assembly, apart from outlining the tasks of framing a Constitution, deciding the fate of the royal dynasty and the issue of compensation to former landlords, Abdullah talked about the position of Kashmir vis-à-vis India and Pakistan and the technical difficulties of its independence. He ruled out independence, when he said:

We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both States, but having friendly relations with them. This may seem attractive in that it would appear to pave way for present deadlock. To us as a tourist country, it could also have certain advantages. But, in considering independence we must not ignore practical considerations. Firstly it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Secondly, we do not find powerful guarantors among them to pull together always in assuring us freedom from aggression.

In the same address Abdullah elaborated his reasons for not wishing to join Pakistan:

This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question.^[xiii]

Sheikh Abdullah - India or Independence

Although Abdullah was loyal to India, he never lost sight of what has come to be known as the 'third option' - that of independence. According to Taseer (1986) when Abdullah was asked by the Pakistani delegation about a solution for Kashmir in a meeting in New York, he replied:

Only this, that Kashmir should be an independent state, free from both India and Pakistan. This should be a solution which should be acceptable to all, a face saving solution. Afterwards, if Kashmir has become independent state, it will naturally be closer to Pakistan, firstly because of common religion and secondly because Lahore is near and Delhi is far off. Such a solution cannot be harmful to Pakistan.

He made several speeches in which he stressed the autonomous position of Kashmir, criticised the policy of the Indian government and hinted at the possibility of solving the Kashmir problem by establishing independence in the area. The leadership at New Delhi, particularly Sardar Patel, was suspicious of Abdullah's ideological commitment to India. The starting point of this cycle of suspicion was the meeting between Abdullah and US Ambassador Loy Henderson in September 1950, who reported:

In discussing the future of Kashmir, Abdullah was vigorous in restating his opinion that it should be independent; that the overwhelming majority population desired this independence; and that he had a reason to believe that some Azad Kashmir leaders desired independence and would be willing to co-operate with leaders of the National Conference if there were reasonable chances such co-operation would result in independence.^[xiii]

India's concerns about Abdullah grew especially after his notorious Ranbisiringpura speech on April 11, 1952, in which he said Kashmir acceding to India will have to be of a restricted nature so long as communalism has a foothold in India (Bazaz, 1954, Malik 2005). In order to keep a check on the National Conference and resolve the issue of Kashmir's relationship with India, the Indian Government invited leaders from the State to New Delhi for talks. In July 1952, Abdullah visited New Delhi and after a week of negotiations with Nehru signed an agreement which was meant to put delimitation of Central power on a firm and clear basis. This agreement, known as the Delhi Agreement, confirmed retaining of Article 370 of the Indian Constitution, having their *Sadr-I-Riyasat* chosen by the State Assembly rather than appointed by the President of India, Kashmiris would be classified as citizens of India and their flag will give way to the Indian national flag.

There was opposition to Abdullah's government in Jammu for its land reforms' programme, which became more intense after the ratification of the Delhi Agreement. The main opposition came from the Praja Parishad with its demands for the abrogation of Article 370 and complete merger of Jammu and Kashmir with India. The Praja Parishad's anti-autonomy views were succinctly expressed in a popular slogan: *Ek Desh mein do vidhaan, ek desh mein do nishaan, ek desh mein do pradhaan: nahin challenge, nahi challenge* (Two Constitutions in one country, two flags, two Heads of State, these will not be accepted). In order to reduce the Kashmiri Muslim domination, the Parishad proposed that Hindu and Sikh migrants from Pakistan be settled in the vale (Malik, 2005). The Parishad organised violent demonstrations, student protests and hunger strikes throughout Jammu. It received strong encouragement from Hindu groups outside Jammu and Kashmir, notably the Jana Sangh.^[xiv]

The Jana Sangh, the RSS and the Hindu Mahasabha also organised demonstrations in India to support the ones taking place within Jammu and argued that special status to Kashmir would encourage Muslim separatism. Even the Akali Dal in Punjab, led by Master Tara Singh, joined these agitations. The Jammu and Kashmir Government dealt with the demonstrations with a heavy hand and many of leaders of the Praja Parishad were arrested. Even Shyama Prasad Mookerjee was arrested when he attempted to enter the state and he subsequently died (of a heart attack) on May 8, 1953, while in detention.

In May 1953, less than a year after signing the Delhi Agreement, Abdullah was again discussing independence, this time with US Presidential candidate Adali Steveson.^[xv] Abdullah's on-off stance on accession in his speeches and the disclosures to the foreign visitors was most disturbing to the Government of India (Lamb, 1991). Abdullah soon came to be regarded as a 'loose cannon' in Indian political annals. The National Conference too started drifting apart into two camps on the critical issue of accession: one, led by Abdullah and Beg, advocating maximum distance within the terms of Article 370 and other led by Bakshi and Sadiq, working for greater integration with India (Krobel, 1954). The divide within the National Conference was severe enough for Abdullah, as reported by his colleague

D P Dhar, to prepare to drop the Bakshi group from government and the party (Akbar, 1991). By 1953, New Delhi and Abdullah had grown apart. Consequently, in August, Abdullah was arrested and one of his top lieutenants, Bakshi Gulam Mohammad was installed as the new Prime Minister.

Constitutional Changes and Politics of Plebiscite (1953- 1973)

Post 1953 was a new era of politics in Kashmir. Many constitutional changes were made for further integration of Kashmir into the Indian Union. However, the absence of Abdullah was felt in Kashmir politics but it did not end the demand for a plebiscite which was supported by various religious-political groups. The arrest of Abdullah was followed by the arrest of other National Conference leaders, including former cabinet minister Afzal Beg under the Public Safety Act (Bose 2003). There were massive protests after Abdullah was overthrown and brutal policing methods were used to suppress the protestors. The main charges against Abdullah and his colleagues were 'inciting communal disharmony, fostering hostile feelings towards India and treasonable correspondence with foreign powers' (Malik, 2005). Abdullah's government was also accused of corruption.

The new government in Srinagar was re-shuffled, sympathisers of Abdullah were weeded out of the leadership of the National Conference and in October, Bakshi won a unanimous vote of confidence from the purged Constituent Assembly. As prime minister, Bakshi had a two-fold job of proving loyalty to New Delhi by not questioning the integration of Jammu and Kashmir into India and gaining the approval of the Kashmiris by proving to be their true leader. Bakshi was able to get financial support from the Government of India. He made some concessions to the Kashmiris by partially restoring free trade, easing food rations, abolishing import duties on salt, raising government wages and promising investigation of corruption and reforms in education. Hydro-electric projects, medical and engineering colleges, roads across the valley, facilities for tourists and a tunnel at Banihall to improve communication with Jammu materialised (Bhattacharjea). But, the impact on the public was mixed. Mir Qasim (1992), then a cabinet minister recalls: *The people were happy with our work but would not forgive us for the plight of the Sheikh and therefore would not fully co-operate in our development projects.*

Under the Bakshi regime, many constitutional changes took place to bring greater integration of Jammu and Kashmir with the Indian Union. In February 1954, the recommendations of the Basic Principles Committee set up by Bakshi, including finality of accession, were accepted by the Constituent Assembly. Kashmir's financial and fiscal relations with New Delhi were placed on the same footing as those other states of India (Lamb, 1991; Bose, 2003). On May 14, 1954, certain provisions in the Indian Constitution concerning fundamental rights became applicable in Jammu and Kashmir with a condition that these civil liberties could be suspended at any time in the interest of 'security' without any judicial review. In October-November 1956, the Constituent Assembly approved a draft of Constitution for Jammu and Kashmir which started from the premise that 'the State of Jammu and Kashmir is and shall be an integral part of the Union of India' (Noorani, 1990..Kashmir question). The Indian Parliament was also empowered to legislate upon a wider range of subjects than the three listed in Article 370 (Defence, Communication and Foreign Affairs). The State Constitution recognised the authority of the

Indian Supreme court in 1956 and in 1958 further administrative integration was achieved when the Indian Administrative Service and the Indian Police Service were authorised to function in the State.

Bakshi's stand on the integration of Kashmir with the Indian Union caused New Delhi to turn a blind-eye on corruption and nepotism. There was no political space for any form of opposition. Puri (1993) points out that Nehru was familiar with the shortcomings of the Bakshi regime but he (Nehru) 'argued that India's case (on Kashmir) now revolved round him and so despite all shortcomings, the Bakshi government had to be strengthened'. He further quotes Nehru as saying that Kashmir politics 'revolved around personalities' and hence 'there was no material for democracy there'.

The slogan of plebiscite remained dormant for some years until it was again revived with the formation of the Plebiscite Front in 1955 by Mirza Afzal Beg, who became its President. The Plebiscite Front stood for self-determination through a plebiscite under UN supervision, withdrawal of the armed forces of both nations from Kashmir, restoration of civil liberties and free elections (Bose, 2003). Though the State government tried to crush it by arresting Beg and other leaders, its members continued sensitising the people through public meetings and publishing writings on the genuineness of the Kashmiris' right to self-determination (Gania, 1986). Defending the right to self-determination, Abdullah, who was not a member of the Plebiscite Front but a patron, argued at length on the validity of self-determination and counselled the Government of India that the only solution to the Kashmir problem would be to grant self-determination to people of state under the supervision of international agency.^[xvi]

Elections to the Legislative Assembly were held in Jammu and Kashmir in March 1957, following the adoption of the State's constitution and again in 1962. Both the elections, it was alleged, were heavily rigged. It was confirmed by the fact that following the 1962 elections, in which National Conference won 70 out of 75 seats, Nehru wrote to Bakshi: *In fact, it would strengthen your position much more if you lost a few seats to bona fide opponents.*^[xvii] In October 1963 Bakshi was forced to resign under the Kamraj Plan^[xviii] and he was replaced by one of his cabinet ministers, Khwaja Shamsudin.

In late December 1963, while Abdullah was still in jail, the *Mo-e-Muqaddas* (the Holy relic) disappeared from Srinagar's Hazratbal shrine.^[xix] Word of the theft spread throughout the city and thousands marched through the streets of Srinagar demanding that the thieves be caught and punished. The *Mo-e-Muqaddas* Action Committee was set up by outraged Kashmiris, which temporarily united the pro and anti-Abdullah factions (Akbar, 1991; Schofield, 1996). Abdullah's son Farooq Abdullah and Mirwaiz Maulvi Farooq jointly protested against the theft. On the intervention of Intelligence Bureau of India, headed by B N Malik, the holy relic was traced and returned to the Shrine, though the names of culprits who stole it were never revealed.^[xx] The tense atmosphere in the valley was relieved only when a panel of religious leaders examined the relic and declared it authentic. Soon after the return of the sacred relic, Shamsuddin was replaced as prime minister by Ghulam Muhammad Sadiq.

When the *Mo-e-Muqaddas* crisis was resolved Abdullah was released along with his faithful comrade, Afzal Beg, in April 1964. He received a hero's welcome on reaching Srinagar and immediately went on the offensive, because two days after his release he said, "We have to win hearts and if we fail

in this regard we cannot be ruled by force.” In April Abdullah traveled to Delhi for talks with Nehru and in May he went to Pakistan for talks with President Ayub Khan. The death of Nehru, when Sheikh Abdullah was still in Pakistan, proved fatal to further deliberations between two countries on the Kashmir issue. In February 1965 Abdullah went to perform Hajj and he traveled to Algeria where he met Chinese Prime Minister Chou-en Lai. This annoyed the Indian authorities. After his Haj trip, Abdullah was again arrested and detained for three years. During this period the constitution of Jammu and Kashmir was even more closely integrated with the Indian Union. In March 1965, the State Assembly passed a constitutional amendment that abolished the post of *Sadr-e-Riyasat* (titular head of state) elected by the members of state legislature and replaced it with the post of a governor (standard term used in all Indian states) to be appointed by New Delhi. Other amendments passed at the same time changed the title of ‘prime minister’ to chief minister (as in all Indian states) and provided for direct election to elect members to the Lok Sabha; they were previously nominated by the state legislature (Bose, 2003).

In 1967, elections were held to constitute a new State Assembly. Congress party candidates - those sponsored by the Sadiq-Mir Qasim faction of the National Conference - were returned unopposed in 22 of the valley's 42 constituencies. The ruling party won 60 of 75 seats in the legislature. The situation changed somewhat in 1968 when Abdullah was released. In October 1968, a large group of Kashmiri politicians gathered at a State People's Convention, including Mirwaiz Farooq, who advocated accession to Pakistan. Abdullah, leading the Plebiscite Front with Beg, still included independence as an option in his speeches but criticised the Indian Government in the second convention held in 1970. The Indian government responded by barring Abdullah from entering Jammu and Kashmir and banning the Plebiscite Front before the general election. But, these events were soon overshadowed by the war which saw the dismemberment of Pakistan (Widmalm, 2002).

In March 1972, Syed Mir Qasim came to power, winning with a comfortable majority. The main opposition in the form of the Plebiscite Front was banned by the Indian government for its alleged association with the militant group Al-fatah. Hundreds of members of the Plebiscite Front were put behind bars, for which Sheikh Abdullah said, “... *the doors to democratic processes have thus been banged on real representatives of the people*”.^[xxi] The Plebiscite Front was considered as the main threat due to its popularity among the people and the good voter turn-out for them in the 1969 Panchayat elections. In his presidential address Mirza Afzal Beg, commenting on the participation of the Plebiscite Front in the elections, said:

In 1969, we committed another crime while we declared to participations in the elections. We expected victory but it caused worry to the ruling elite. We won by 98 per cent votes but the results were shown reversed. We resisted and did not stop there - we further declared, in 1970, our desire to participate in the elections of 1972. Consequential upon this declaration we and our party workers were imprisoned and our organisation was declared unlawful. This election, therefore, was as unfair as the earlier one.^[xxii]

There were protests against the alleged rigging of elections. It was refuted by Mir Qasim initially, but later confirmed by him in his biography *My life and Times* (1992) in these words:

If the elections were free and fair, the victory of the Plebiscite Front was a foregone conclusion. And, as a victorious party, the Front would certainly talk from a position of strength that would irritate Mrs Gandhi who might give up her wish to negotiate with Sheikh Abdullah. That in turn would lead to confrontation between the Centre and Jammu and Kashmir.

Kashmir Accord - Plebiscite to Autonomy

Mir Qasim began to relax a number of restrictions on his opponents, mainly the Plebiscite Front, in order to pave the way for possible negotiations with Abdullah. In April 1972, Begum Abdullah was allowed to return to Kashmir, many members of the Plebiscite Front were released and in June the internment order on Abdullah and Mirza Afzal Beg was lifted. It seemed that Abdullah had not given up his stand on self-determination as is reflected in a recorded speech just after his release:

*The final arbiters of the destiny of the State are its people and not India or Pakistan.
We will not permit others to divide our home. We are its rightful owners.* [xxiii]

Soon there was a change in his position. He openly criticised Bhutto for interfering in Kashmir politics and showed interest in negotiations with the Government of India. He shifted focus from plebiscite to greater autonomy within the Indian Union. On June 23, 1972, Abdullah announced at the *Hazratbal* Shrine that Mirza Afzal Beg had absolute authority to discuss with Delhi any 'greater autonomy formula for Kashmir'. [xxiv]

One of the reasons put forth for this change in Abdullah was the humiliating defeat of Pakistan in the 1971 war and the Shimla Agreement. It also meant no further political or diplomatic support could be expected from Pakistan. According to Akbar (1991) it was not so much the Shimla Agreement as the defeat of Pakistan in 1971 that convinced Abdullah that there was no longer much joy to be had from across the border. An ex-member of the Plebiscite Front said the '*defeat of Pakistan broke the back of all pro-self-determination individuals and Sheikh Abdullah was no exception, though as a leader he should have stood firm*'. [xxv] Ganai (1984) argues that the politics of plebiscite had given plebiscite no dividends and it failed at the UN and at the domestic level. Pakistan had also failed in its stand on account of its own contradictions at the domestic and international levels. The other reason put forth by critics of Abdullah was his personal interest to regain premiership. After remaining out of power for more than 20 years he was eager to grasp at any chance that came in the form of the Kashmir Accord. The fact that secret talks between the Indian government and Abdullah and Beg had started few months prior to the 1971 war and Beg's announcement just after two months of the war that they were ready for dialogue, made the Kashmiri people suspicious about Abdullah's change of stance on plebiscite. [xxvi]

Prior to the final settlement of the Kashmir Accord, Farooq Abdullah, elder son of Sheikh Abdullah, visited Azad Kashmir in May 1974 to check the mood across the border. Addressing a gathering at Islamabad airport, he said, "*The right to shape the future of Kashmir vested with Kashmiris alone and no solution would be accepted which was against the will of the people* [xxvii]... *Sheikh Abdullah will be willing to come to Pakistan in search of a peaceful settlement of Kashmir's dispute on*

the basis of the state's people's right to self-determination." He dismissed claims that his father had reached any settlement with the Indian government, compromising his stand on the Kashmiris right to self-determination[xxviii]. At a convention at Mirpur, where he shared the dais with Maqbool Bhat and Amanuallah Khan of Kashmir Liberation Front[xxix], the view that he heard repeatedly was that Kashmir would vote for independence in the plebiscite and not for Pakistan and this should be conveyed to Indian Prime Minister Indira Gandhi and Abdullah (Akbar, 1991).

G Parthasarathi was the negotiator chosen by Indira Gandhi. In the final settlement key roles were played for India by D P Dhar and P N Haksar- both Kashmiri Pandits - who were always close to Indira Gandhi. In his talks Beg had proposed pre-1953 status of Kashmir which included transfer of the fundamental rights' provision for the Jammu and Kashmir Constitution, removal of the authority of the Election Commission and modification of Article 356 to prevent arbitrary imposition of President's rule. None of his proposals were conceded by India. As claimed by Indira Gandhi in Parliament on February 24, 1975, "It was not found possible to agree to any of these proposals (Akbar, 1991)." The conclusions of the agreement between Beg and Parthasarathi reaffirmed, virtually without modification, the terms of Kashmir's incorporation into the Indian Republic since 1953. Although Kashmir's special status, enshrined in Article 370 of the Indian Constitution was retained, the state was termed 'constituent unit of the Union of India' (Schofield, 1996).

On the one hand Indira Gandhi had to legitimise, in the eyes of the people, the settlement with Sheikh Abdullah – a person accused of attempting secession - and on the other hand Abdullah and his associates had to persuade the people in Kashmir whom he had motivated for plebiscite, that peace was the only option.

In pursuance of government's policy to secure the active co-operation and involvement of all democratic, secular and progressive forces in the country it was desirable to have a dialogue with Shiekh Mohammad Abdullah.[xxx]

Abdullah justified this agreement. He says in his biography *Aatish-e-Chinnar*:

We only wanted Article 370 to be maintained in its original form... our readiness to come to the negotiating table did not imply a change in our objectives but a change in our strategy.[xxxi]

Abdullah, Afzal Beg and their supporters in the valley claimed the agreement was a success because they had regained autonomy through Article 370. But all the post 1953 changes were retained reducing Kashmir's autonomy; Article 356 was retained. The nomenclatures of Prime Minister and *Sadar-i-Riyasat* which were the potent symbols of autonomy in public perception in the valley were not brought back (Malik, 2005). The Indian government was able to pass laws relating to the prevention of activities that disclaimed, questioned or disrupted sovereignty and territorial integrity, encouraged cession of any territory from the Indian Union or insulted the Indian national anthem and the Constitution (Saraf, 1977). So any movement for self-determination that challenged the sovereignty of India over Kashmir was considered against the integrity of India and the pro-self-determination groups could be dealt with under the appropriate laws. Arresting people under public safety acts became more

common. The concessions to State autonomy under this accord included allowing the State Assembly to legislate on some social and welfare issues but only with the Indian president's approval.

This Accord marks an important point in Kashmir politics and in popular perception in the valley; the accession of the State of Jammu and Kashmir by the autocratic Maharaja in 1947 had confirmed a popular leader in Sheikh Abdullah. There was an opposition to this accord in Pakistan, in Azad Kashmir, the Kashmir valley and even in the Jammu region. Z.A Bhutto, the Prime Minister of Pakistan called for a strike throughout Pakistan on February 28 1975, in protest against the accord which he said was against the Shimla Agreement and the UN resolution. In Jammu it was the Jan Sang with its earlier slogan *Ek Vidhaan, Ek Pradhan, Ek Nishan* that criticised the accord for retaining Article 370 which distinguishes the state of Jammu and Kashmir from other states of the Indian Union. In the valley the main opposition came from the Awami Action Committee of Mirwaiz Farooq who accused Abdullah as 'selling out to India' and 'giving away' his people's right to self-determination. According to Bazaz (1978), "the protracted negotiations were carried on secretly and the Kashmiris were taken into confidence till the deal was struck early in 1975. The outcome in the shape of an agreement between Sheikh Abdullah and Mrs Indira Gandhi, Prime Minister is known as Kashmir Accord".

Across the border in Azad Kashmir, the leadership supporting Kashmir's accession to Pakistan in Muzafarabad as well as pro-independence groups based in Mirpur, led by Amanuallah Khan and Maqbool Bhat also criticised the accord as Abdullah's surrender to India. There was bitterness among the Kashmiris on both sides of the LoC regarding what they considered as a 'sell out'. 'A lady (Indira Gandhi) had tamed the toothless lion of Kashmir' was the lead story in the Kashmiri press (Hussain, 1991).

In February 1975, Mir Qasim offered to step down, and lend the support of the Congress legislators to Abdullah who was sworn as the new chief minister. Beg was made cabinet minister. Both won by-elections as independents. In May 1975, Abdullah invited the Congress members in the State assembly to merge with the Plebiscite Front to form a new National Conference. The Congress party did not agree. Indira Gandhi wanted Abdullah to be a part of the state Congress party to put an end to anti-New Delhi feelings in Kashmir (Behera, 2006). Abdullah went ahead in reviving the National Conference. With only a handful of seats in the state Assembly he led the government with the support of the Congress party that held the majority. He wanted to have elections because he was confident that the National Conference would win. In the subsequent years, the National Conference again drifted away from its stand on the Kashmir Accord by symbolically displaying green handkerchiefs and rock salt as symbols of Pakistan or independence. [\[xxxii\]](#)

Decade of Elections and Alliances, 1977 -1987

In March 1977 the State Congress party attempted to remove the 'power discrepancy' by withdrawing support to Abdullah's government and demanded that their leader Mufti Sayeed be appointed Chief Minister. However, the Assembly was dissolved by Governor Jha on the request of Abdullah and fresh elections announced. [\[xxxiii\]](#) Abdullah had a mild heart attack three days before voting was to take place. The audio tapes of his speech, recorded on his sickbed, were played all over valley, He told the Kashmiris that *'this election had become a referendum on their self-respect; they had an opportunity to*

show the world that they were masters of their own destiny and no one from Delhi could dictate their future (Akbar, 1991): There was great sympathy and support for Abdullah. The Congress and the Janata parties also contested the elections but it was the National Conference that garnered a clear majority.

Thus, in the 1977 elections, considered to be relatively free and fair, Abdullah's National Conference came back to power^[xxxiv]. The results of this election were interpreted variously by scholars - Akbar (1991) looked at it as public approval of the Kashmir Accord for accession and integration with India, while Malik (2005) argued that it was Abdullah's return to demand for autonomy and not the Kashmir Accord that had received popular mandate.

In the subsequent years the authoritarian nature of the National Conference became quite evident and the politics of its members diverged from real issues to expressing personal loyalty to Abdullah. The Sheikh Abdullah family - sons, wife and son-in-law - were controlling the National Conference. No dissent was allowed; even a close associate like Mirza Afzal Beg was expelled from the National Conference (Bazaz, 1978). In the early 1980s there were many protests against the National Conference in Jammu and Ladakh against alleged regional and religious bias. The last straw was Abdullah's effort to move the Resettlement Bill in the Assembly. Abdullah justified the Resettlement Bill by saying that people who had left the state of Jammu and Kashmir out of fear or untoward circumstances in 1947 and were residing in Pakistan and Azad Kashmir, continued to be citizens of the State (Ganai, 1984). This Bill did not get any positive signal from the Centre and was rejected later. On September 8, 1982, Abdullah passed away and Farooq Abdullah was declared his political heir - in keeping with the subcontinent's destructive tradition of combining democratic and dynastic politics (Bose, 2003). Farooq Abdullah took over as new Chief Minister of the state^[xxxv].

As new chief minister the first controversy that Farooq Abdullah had to face was over the Resettlement Bill, which was passed in the Assembly with the help of close associates of his father. It was sent back to the State Assembly by Governor B K Nehru and was later dropped. Farooq wanted to have elections to prove his credibility, But the Centre first wanted an alliance to be arranged between the Congress and the National Conference (Malik 2005). Farooq was not interested and explained his refusal as:

The decision that was made by our party was consistent with the views of Sheikh Abdullah who had always wanted that the National Conference to stand on its own and retain its identity. This would have been seriously jeopardised if we had gone in for an electoral alliance on the lines suggested by the Congress (Abdullah, 1985).

He knew that this alliance would be viewed with suspicion by the people and could prove detrimental to his political career, He did not stand by his words for long though, and entered into an alliance with the Congress in 1987. In the 1983 elections the National Conference and the Congress contested for all 76 seats. The major issues raised by the two parties were again autonomy and integration, respectively; Farooq called for the preservation of Article 370 while Indira Gandhi promised removal of regional differences and greater integration. The National Conference won the elections with 46 seats - all the seats in the valley and even managed eight in Jammu. A sizeable number of these seats were won by supporters of G M Shah - a senior National Conference member and brother-in-law of Farooq. The two were not on good terms. Shah was expelled from the party in October 1983, and he

formed his own party called Asli National Conference[xxxvi]. Farooq's position was further threatened by the emerging non-Congress regional parties[xxxvii]. He was also accused of not curbing 'anti-national' elements in valley by citing the incident during a cricket match between India and West-Indies in Srinagar on October 13, 1983, when green *Jamat-i-Islami* flags (which the media referred to as Pakistani flags) were waved [xxxviii].

In 1984 there was a new and dramatic turn in Kashmir politics with the dismissal of the Farooq government. A letter dated June 28, 1984, signed by 13 MLAs, was presented to Governor Jagmohan saying that they had withdrawn their support to Farooq's government and pledged it to Shah. With the support of 26 Congress MLAs which made a total strength of 39, a new government led by Shah was sworn into office[xxxix]. Governor Jagmohan, who was in the good books of the Centre, took all measures to ensure smooth transition of power. He deployed the Madhya Pradesh Armed Police to prevent any backlash of violence in Srinagar (Bhattachariya, 1994). In his book *My Dismissal*, Farooq says this about the role of Governor in his dismissal:

He was direct party to the conspiracy but various trappings were given a dramatic touch to make it appear a natural political event... The Governor's action in dismissing my Government was invalid in law. The Rajbawan was not the place to test my majority that day; it should have been tested on the floor of the House.

Farooq was not as popular as his father but the people sympathised with him over the dismissal of his government. In his biography *My Life and Times*, Mir Qasim wrote, *Mr Jagmohan's unconstitutional act was another nail in the coffin of Kashmiri's faith in Indian democracy and law*. The people of Kashmir were reminded of Sheikh Abdullah's dismissal in 1953 and the installation of G M Bakshi in his place. More than strained Centre-State relations, personality and egos clashes between Farooq and Indira Gandhi seemed to be the cause. The rejection of an electoral alliance with the Congress and the informal alliance with non-Congress leaders outside Kashmir was taken as a personal affront by Indira Gandhi. Malhotra (1989) quotes Arun Nehru, a cousin of Rajiv Gandhi and a member of Indira Gandhi's kitchen cabinet, as saying, "*Indira puppi (aunt) asked us to get rid of Farooq at all costs and we did.*"

G M Shah had little public support in the Kashmir valley and there were allegations of corruption against him during his tenure. According to Singh (1995) Shah's government made money like there was no tomorrow and given the uncertainty of the situation it could be true. There were many protests; Srinagar was put under indefinite curfew many times for which Shah earned the name of 'Gul-curfew'. After less than two years in office, he was dismissed on March 7, 1986 in the wake of severe communal riots in the district of Anantnag. Governor Jagmohan was at the helm of affairs till an understanding between Farooq Abdullah and Indian Prime Minister Rajiv Gandhi was reached on a National Conference-Congress alliance.

In November 1986, Farooq was reappointed Chief Minister in the National Conference-Congress coalition government. This alliance was supposed to continue till the 1987 elections but was not welcomed by the people in valley and the sympathy for Farooq after his dismissal was lost. "Overnight, Farooq was transformed from hero to traitor in the Kashmiri mind... the people could

not understand how a man who had been treated the way he had been by Delhi and especially by the Gandhi family, could now be crawling to them for accords and alliances,' writes Singh (1995).

The political vacuum created by the National Conference-Congress alliance, was filled up by various religious-political groups which which had formed the *Muslim Mutahid Mahaz* (Muslim United Front - MUF) to contest the 1987 elections. The notable leaders who formed the core of the MUF included Maulvi Abbas Ansari, Syed Ali Geelani, Prof Gani Bhat and Qazi Nissar.^[xli] Mirwaiz Farooq's Awami Action Committee, G M Shah's breakaway National Conference faction, the Awami National Conference and Abdul Gani Lone's People's Conference also expressed unity of opinion with the MUF. The MUF's emphasis on Kashmiri nationalism and cultural pride appealed to Kashmiri youth. The MUF underlined its ultimate objective of working towards Islamic unity and against political interference from the Indian government in New Delhi (Schofield, 1996; Verma, 1994). Khemlata Wakhloo (1992), a Kashmiri pandit who was a prominent member of the National Conference at that time wrote about the 'wave' of popular support for the MUF in the valley.

The turn-out in the election was heavy, with nearly 80 per cent overall voting in the valley. The National Conference-Congress alliance won 66 seats; Congress won five out of six seats it had contested in the valley. The MUF had expected to win 10 of the 44 seats it had contested, but won only four (Schofield, 1996). There were charges of widespread rigging.^[xlii] Shortly before the election, charges were brought against eight MUF leaders for 'rousing religious sentiments of the people and demanding independence from the Indian Union'. The cases were filed under the controversial Terrorist and Disruptive Activities Prevention Act by Deputy Inspector of Police A M Watali.^[xliii] Two days after the election at least five MUF leaders were arrested for 'anti-national activities'.^[xliv] According to Puri (1993) not only were the poll results manipulated, polling agents of the Opposition candidates were arrested and beaten up by the police and the 'victorious' National Conference candidates. Qazi Nissar, a prominent preacher and MUF leader, had this to say in the aftermath of the election, "*I believe in the Indian Constitution. How long can people like us keep getting votes by exploiting Islam? We wanted to prove we can do something concrete. But this kind of things make people lose faith in India.*"^[xlv] Similarly Abdul Gani Lone of the People's Conference who contested the election under the umbrella of the MUF had this to say of his experience in the 1987 election:

It was this that motivated the young generation to say 'to hell with the democratic process and all that this is about' and they said 'let's go for the armed struggle'. It was the flash point. The thought was there, the motivation was there, the urge was there and the opposition was there. The situation became ripe and then the flashpoint...[xlv]

Considering the less than perfect record of elections in Kashmir, Malik (2005) argues that the 1987 rigging could be considered the 'straw that broke the camel's back' - the people become totally disillusioned with the electoral process and more so with India.

Re-emergence of Self-determination movement (Azadi)

The early years of the current *self-determination* movement, 1989-91, were characterised by massive demonstrations of popular alienation, in the form of protest marches, strikes, riots and other forms of opposition to rule by the Indian state. On this fertile ground of deep alienation, a plethora of militant groups emerged as the violent visage of the popular wave of anti-India sentiment. Armed militancy in the Kashmir valley was perhaps inaugurated by the arrival of a valley-based cell of the Jammu and Kashmir Liberation Front (JKLF). The origins of the JKLF go back to the late 1960s when it was founded as the Kashmir National Liberation Front by Maqbool Bhat and Amanulakh Khan and it came into prominence in 1971 after the hijacking of an Indian airliner (Desmond, 1995). The nucleus of this JKLF cell was the so-called 'HAJY' group, which returned after training in Pakistan in 1989 to make public statements about the JKLF manifesto and the need for armed resistance to Indian rule.^[xlvii]

The militant attacks on government offices, bridges, buses, murder of police informers and intelligence officers all contributed to the increasing paralysis of the government. Part of the militant strategy was to intimidate National Conference activists in order to oblige them to disassociate themselves from the party, ultimately leading to a complete breakdown of the political process. The commemorative occasions associated with India and the state government, like India's Republic Day, Indian Independence Day, Nehru's birth anniversary, Sheikh Abdullah's death anniversary etc., were observed with valley-wide black-outs and October 27 (On this day in 1947 Indian forces entered Kashmir to fight tribal attack) began to be observed as Occupation Day. In response to the militant's call for a boycott of the Lok Sabha by-elections in November 1989, a large number of polling officers refused to perform duties (Bose, 2003). There was the kidnapping of some important personalities including Rubiya Sayeed, daughter of then Union Home Minister Mufti Sayeed in exchange of which jailed colleagues of militants were released. Chief Minister Farooq Abdullah resigned and the state of Jammu and Kashmir came under Governor's rule. The Centre and State government's initial response to Kashmiri insurgency varied from utter helplessness and confusion to sheer inertia and culpable negligence (Schofield, 1996). According to Punjabi (1991), Governor Jag Mohan who was at the helm of affairs at the beginning of the insurgency failed to observe a thin line, though vital, of distinction between militants, sympathizers of militants and innocent civilians. His recipe was to unleash the coercive arm of the State to eliminate terrorism and force Kashmiris into submission. This proved to be disastrous, it pushed the populace to becoming anti-Indian and turned most apolitical Kashmiris into active supporters of militancy.

The JKLF which consistently advocated the popular ideology of independence, secularism and self-determination for the entire population of Jammu and Kashmir dominated the politics of self-determination for long. By 1990-91, apart from the JKLF, a number of significant militant groups had begun to operate throughout the valley, mainly centred on the towns of Srinagar, Anantnag, Baramulla and Sopore. Their objective was either complete independence or unification with Pakistan. Several Islamist groups, which had been part of the MUF, formed militant wings, prominent being the Hizbul Mujahideen - the frontal organisation of the Jamat-i-Islami Kashmir. The Islamist groups articulated the self-determination movement in terms of the Muslim valley waging an Islamic movement against the Hindu Indian state in order to accede to the Islamic Republic of Pakistan. This Islamist voice within the

Kashmiri self-determination movement came in opposition to the demand of nationalist groups like the JKLF for an independent Kashmir based on secular nationalism. The contemporary self-determination is not a monolith, it has been conceptualised differently by secular nationalist outfits like the JKLF and Islamists like Jamat-i-Islami.

Notes

- [i] Hindustan Times, October 19, 1947.
- [ii] The Maharaja's critics argue that after fleeing he had no right to take the decision to accede to India because he was no longer in control of his state.
- [iii] We stood with Sheikh Saheb to face Qabalis with axes, knives and wooden rifles. We used to chant slogans: *Hindu-Muslim Itihaad- Zindabad, Dushman Khabardar, Hum Kashmiri Hai tayaar* (Long live Hindu - Muslim Unity, Beware Enemy is there, We Kashmiris are ready to face them), said G M Kar, sympathiser of the National Conference and part of militia formed by Sheikh Abdullah, in an interview at his house at Srinagar on April 18 2008.
- [iv] The National Conference cadre played an important role, guiding and providing information about the position of tribesmen to the Indian army. Shervani - a senior National Conference cadre - went on his motorbike showing wrong routes to tribesmen to get ambushed by the Indian army. Latter he was caught by tribesmen and killed by driving nails into his body.
- [v] As quoted in Rajendra Saren, Pakistan: the India Factor, New Delhi, 1984.
- [vi] The complete texts of the Indian charges and Pakistani counter-charges may be found in S/628, January 2 1948 and S/646, January 15, 1948.
- [vii] References to the United Nations documents are designated by the letter system used by the UN itself. Thus the Security Council Documents are indicated by S/, and Verbatim Records of Security Council (meetings) by S/PV., followed by appropriate number and date.
- [viii] Resolution 39, 20 January 1948, Doc No S/654
- [ix] Security Council Resolution 47, 21 April 1948, Doc No S/726
- [x] UNCIP Resolution August 13, 1948, Doc No S/1100
- [xi] The first election in Kashmir was held under the Maharaja's rule for the Praja Sabha in 1934 but the suffrage was limited to literate and economically privileged people. The last election to the Praja Sabha was boycotted by the National Conference and the Muslim Conference formed the majority, which had passed the resolution calling for Kashmir's accession to Pakistan.
- [xii] Sheikh Abdullah addressing the Constituent Assembly as cited in Bhattacharjea, Kashmir: The wounded Valley, New Delhi, UBSPD, 1994.
- [xiii] Refer to United States, Department of State, Foreign Relations of the United States 1950, Volume V, The North East, South Asia and Africa, Washington D.C., 1978, pp.1433-35
- [xiv] Jana Sangh was formed by Shyama Prasad Mookerjee in 1951. Its first manifesto announced a four-point programme for strengthening the unity of India and one of the four points was full integration of Jammu and Kashmir into the Indian Union
- [xv] In the shadow of cold war, American activities were viewed with increased suspicion by the Indian Government.

- [xvi] Sheikh Abdullah's statement - *Rai Shumari keun*, (1958) (Urdu), Press Information department, J&K Plebiscite Front, pp.3-4
- [xvii] Letter of Nehru to Bakshi, dated March 4, 1962 as quoted in Bhattacharajea, p 213.
- [xviii] The plan was proposed by the Congress leader from Tamil Nadu, Kamraj Naddar, that 'leading Congressmen who are in Government should voluntarily relinquish their ministerial posts and offer themselves for full time organisational work'. Consequently all cabinet and chief ministers resigned, some of whom were reappointed by Nehru.
- [xix] According to legend the journey of the relic, the *Mo-e-Muqaddas* or the Prophet's hair, began from Medina early in the 17th Century. Under the protection of the Mughal Emperor Aurangzeb and, the legend says, the divine guidance of Allah, the hair was brought to Kashmir in 1700. It was placed in a building by the Dal Lake and became known as *Asar-e-Sharif* (the Shrine of Relic) and latter as *Hazratbal* (the Lake of Hazrat).
- [xx] One of the rumours in the valley about the theft of holy relic was that it was stolen by Bakshi Ghulam Mohammad to soothe his ailing mother. The other rumour was that the pro-Abdullah faction had stolen it to pressurise the Indian Government to release Sheikh Abdullah.
- [xxi] Sheikh Abdullah, Hindustan Times, 5th March 1972.
- [xxii] Presidential Address, Mirza Mohammad Afzal Beg, Annual Session, All J & K Plebiscite Front, 5-7 July, 1974, New Kashmir Press, pp. 8-9.
- [xxiii] Shiekh Abdullah's speech at a public rally at Sopore.
- [xxiv] Hazrat Bal, which is also called as *Dargah*, is holy place for Kashmiris where the relic, the Prophet's hair, is kept. People from all over valley come there on Fridays and other important religious days to have *deedar* of relic. It became important space for politics. Formal announcement of negotiations with Delhi was made on June 23, 1972.
- [xxv] Interview with ex-member of Plebiscite Front, was even jailed in 1971 for being a member of the Plebiscite Front. He was a staunch supporter of Sheikh Abdullah but was critical of post-Sheikh National Conference politics.
- [xxvi] Indira Gandhi encouraged the secret talks with Abdullah and Beg with her close associate D P Dhar few months prior to war as quoted in M.J.Akbar's *Kashmir Behind The Vale*, p.184
- [xxvii] "Kashmiris alone to shape their destiny: Farooq", Morning News, Pakistan, May 20, 1974.
- [xxviii] "Abdullah willing to visit Pindi, Karachi", The Indian Express, Tuesday, June 4, 1974.
- [xxix] Both are considered as symbols of resistance now in Kashmir as they were the founders of the Jammu and Kashmir Liberation Front which became popular in the early 1990s for its demand of azadi from both India and Pakistan and its secular politics.
- [xxx] Indira Gandhi while announcing the Kashmir Accord in Lok Sabha on February 24, 1975.
- [xxxi] In his autobiography *Aatish-e-Chinaar* which he wrote with the help of Mohammad Yusuf Taing. It was written in Urdu which was later translated to English as *Flames of Chinnar* by Khushwant Singh.
- [xxxii] Green was the color used to represent the Muslim world and flags of most of Muslim countries, including Pakistan, are green in color. Green handkerchiefs and turbans were used by leaders of the National conference in public rallies to emphasis on Kashmiri Muslim identity. Mirza Afzal

Beg used to keep rock salt - called as Pakistani noun in colloquial language - in his pocket which he used to display at public rallies.

[xxxiii] At the Centre in India the Congress was out of power. Elections after Emergency proved detrimental to the Congress. The Janata Party with Moraji Desia as Prime Minister had come to power.

[xxxiv] The National Conference won 47 of 76 seats - 40 in Kashmir, 7 in Jammu while the Janata won 13, Congress 11, Jana Sang 3 and Jamat-i-Islami 1 respectively.

[xxxv] Farooq Abdullah, elder son of Abdullah, is a medical doctor by training. He had spent most of his time out of the state. He came into limelight first during the agitation over the theft of the holy relic and then again during the settlement of the Kashmir Accord when he travelled to Azad Kashmir. On August 21, 1981, he was made president of the National Conference by Sheikh Abdullah at a public rally held at Iqbal Park, Srinagar.

[xxxvi] G M Shah also called as Gul Shah was the husband of Sheikh Abdullah's elder daughter Khalida. He was in the race for chief ministership after Abdullah's death. He and his loyalists were not included in Farooq Abdullah's cabinet after the 1983 elections.

[xxxvii] Farooq Abdullah attended the conference organised by N T Rama Rao for non-Congress leaders on May 31, 1983 at Vijayavada. Even he arranged a similar meeting in Srinagar in October 1983 on the sensitive issue of Centre-State relations which was attended by 17 non Congress leaders.

[xxxviii] A day before the cricket match some boys dug up the pitch to stop the match from being played. Showkat Bakshi who was among those involved said, "We did it so that no international match could be played in Kashmir and world would come to know that it is a disputed territory." in an interview at JKLF office in October 2008.

[xxxix] Prior to this, G.M.Shah's supporters had asked Governor B K Nehru to dismiss Farooq Abdullah's government. Nehru refused on the grounds that constitutionally a majority had to be demonstrated in the Assembly. Soon Nehru was transferred to Gujarat and replaced by Jagmohan Malhotra who had served as Lieutenant Governor of Delhi during Emergency.

[xli] The three leaders - Maulvi Abbas Ansari, Prof Gani Bhat and Geelani - claim to be the brains behind the formation of the MUF. The followers of these leaders also proud that it was their respective leaders who came up with the idea of the MUF and others followed. Interviews and group discussions with the three leaders and their followers during my fieldwork, April-June 2008.

[xlii] The election was characterised by 'heavy rigging' and 'booth-capturing by gangs', 'entire ballot-boxes pre-stamped in favour of National Conference', numerous citizens 'simply not being allowed to vote' and of government nominated supervisors 'stopping the counting as soon as they saw opposition candidates taking a lead' - from eyewitness as reported in *India Today* (April 15, 1987).

[xliii] Express News Service: '8 MUF men charged under Terrorist Act', *Indian Express* (Delhi), 9 March 1987.

- [xliii] 'Top MUF leaders arrested', *Hindustan Times*, March 26, 1987. Yosuf Shah - MUF candidate from Amira-Kadal constituency and his election manager Yasin Malik were imprisoned till the end of 1987, without any formal charge or court appearance. Similar incidents were reported from Kupwara and Anantnag where supporters of Abdul Gani Lone and Qazi Nissar were arrested and their election agents thrown out of election booths at the time of counting.
- [xliv] As cited in Bose, Sumantra (2003) *Kashmir Roots of Conflict Paths to Peace*, New Delhi, Vistar Publications, p.94. Qazi Nissar was assassinated by suspected Hizbul Mujahideen militants in June 1994.
- [xlv] Abdul Gani Lone in an interview with Sten Widmalm (2002) as cited in his book, Widmalm, Sten (2002) *Kashmir in Comparative Perspective Democracy and Violent Separatism*, Oxford, Oxford University Press. Lone had started his political carrier in 1960s in Congress party, started his own party People's Conference in 1970s and in 1990s was a part of amalgam of separatist parties Hurriyat Conference. He was also assassinated on May 21, 2002 by suspected pro-Pakistani militants.
- [xlvi] HAJY' stands for the first initials of the four youths who made up this militant vanguard: Hamid Sheikh, Ashfaq Wani, Javed Mir and Yasin Malik.

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