

E content of 6th semester history

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Unit iv:-

Emergency administration and popular government:-

The years of 1940s were turbulent in the Indian subcontinent due to unrest caused by world war II, Quitindia movement and unending communal riots. These events convinced the British government both at home and in India that their days of rule are strictly counted. Seeing explicitly writing on the wall the British government at home acting on the advice of viceroy, Lord Mountbatten announced partition plan i.e; India was to be divided in to two dominions viz dominion of India and dominion of Pakistan and the 562 odd princely states were given the option to join either of the two dominions by or before 15th August 1947. However, the Maharaja of Jammu and Kashmir remained indecisive giving birth to” Kashmir imbroglio”.

Hearing of tribal advancement from Pakistan to Srinagar for forcibly occupying the state, Maharaja Hari Singh along with the entire council of ministers left the valley on 26th of October 1947, thereby creating vacuum which at this critical juncture was filled by the national conference. It organized district and Mohalla committees to function as local government. It organized a National militia for repulsing invaders who were fastly approaching to Srinagar. Moreover, the economic blockade of the state by Pakistan, together with the severe winter of 1947-48 added to the hardships of people. It is said that salt, an essential commodity of both rich and poor could not be had even for Rs 10 per kilogram. The conference despite all odds ensured essential supply to the states people over snowbound Banihal pass. Besides catering to needs of people the emergency administration (as it was called) with Sheikh Abdullah as head provided all possible assistance to the army in the form of pack- ponies, transport, vehicles, labour etc who were busy fighting the tribals. It is important to mention that Indian narrative is that the Maharaja Hari Singh on 26th October 1947 signed instrument of accession (conditional) with India, surrendering three of its vital powers viz defence, communication and foreign affairs to Indian government. The Jammu and Kashmir government retained autonomy in all other matters which was reinforced by Article 370 of the Indian constitution.

Maharaja Hari Singh probably partly due to the influence of the Indian government and partly due to the marvelous role of National Conference emergency administration deposed Meharchand Mahajan as prime minister of the state and converted the emergency administration into a regular council of Ministers with Sheikh Abdullah as prime minister on 5th March 1948.

5th March 1948 is a very important date in the history of Kashmir because two and half decades resistance to Dogra rule bore fruit and a popular government with Sheikh M. Abdullah as its head was established. The other members of his cabinet were:

Bakshi Ghulam Mohammad- Deputy prime minister

Mirza Afzal Beg--- Revenue Minister.

Sardar Budhsingh ----- Health and rehabilitation minister.

Gulam Mohammad Sadiq ----- Development minister.

Shyam Lal Saraf ----- Minister of Civil supplies and local self government.

Girdharilal Dogra ----- Finance minister.

Pir Mohammad Khan ----- Education minister.

National conference had in year 1944 through Naya Kashmir manifesto envisaged a programme of social and agrarian reforms, including abolition of landlordism. The formation of the popular government, no wonder, could have raised hopes of people, believing that a just socio economic order is not a distant dream. People had right to expect and dream on these lines after all it is what for they had struggled and made sacrifices. National conferences didn't let people down.

Land Reforms: The Big landed estates Abolition act, 1950:-

The most pressing demand to which the national conference and popular government had to turn was to ameliorate the condition of peasants and to free them from the clutches of the cunning landlords. It is important to mention that by 1947, the number of absentee landlords was 1,50,000 who possessed about 11 percent of the total cultivated area. There

were around more than 8 lakh peasant cultivators who had 32 percent of cultivated land under their possession. About 10 Percent of land was cultivated by 3 lakh tenants, Who did not posses any land of their own. This disproportionate distribution of land together with many who did not own any piece of land had created great unrest and consequently division in the society.

The popular government in October 1948, as an immediate relief to the tenants amended the state tenancy act 1924. The amended act had following features.

1. It granted fixity of tenure to the tenants in respect of holdings not exceeding 2.1/8 acres of wet or 4.1/8 acres of dry land in the Kashmir province and about double the size in Jammu Province.
2. It fixed the maximum rent payable by a tenant to his landlord in respect of tenancy holdings exceeding 12.5 acres at 1/4th of produce or cash value thereof, in case of wet lands and at 1/3rd incase of dry lands.
3. It also provided for re-instatement of a tenant who had been wrongfully ejected after April, 1947 and prohibited the execution after 18thNovember, 1948 of government orders or decrees passed by any court against a tenant who has acquired the right of protected tenancy.

In April 1949, the government appointed a land reforms committee to take a giant leap in reforming agrarian relations. The mandate of the committee was to prepare plan for the abolition of big landed estates and transferof land to the tiller. On 17th October 1950, the big landed estates abolition act was passed which brought a fundamental change in land relationship. The state of Jammu and Kashmir earned the distinction of being the first state to introduce land reforms. The main features of the act were.

- i. The proprietor was allowed to retain only 22.75 acres (182 kanals) of land. Out of this 20 acres (160 kanals) were earmarked for agricultural purposes, 1 acre(8kanals) for vegetable gardening ½ acres (4 kanals) for residential purpose and 1.25 acres (10 kanals) for orchards . The landlord was allowed to choose his retainable land.
- ii. Fixation of ceiling on the holding of proprietors at 22.75 acres of land excluded orchards, grass farms, fuel reserves and uncultivated waste land.
- iii. The expropriated land was to be transferred with full ownership to the tiller/ tenant to the maximum of 20 acres (160 kanals), thus putting ceiling on holdings of tenants as well.

- iv. The lands from which owners were expropriated and were not in cultivating possession of any person, went to the government, who distributed it among landless tillers field labours or made available for collective farming.
- v. The law provides that no tiller would be transferred land if he already owns more than 20 acres of land in ownership right.
- vi. The act placed restrictions on the transfer of land. All transfers after 13th April 1947 were declared null and void.

As far as the question of compensation to expropriators is concerned, the act provided that it will be settled by the constituent assembly of the state. The constituent assembly by its resolution dated November 6, 1951 appointed an eleven member committee to examine and report on the desirability or otherwise of the Payment of compensation to landlords for lands expropriated from them. The committee after looking in to pros and cons of compensation recommended that the payment of compensation to the expropriated proprietor was not desirable. It was also stated that compensation would only perpetuate the then already existing inequitable distribution of wealth.

The constituent assembly of the state on 26th March 1952, took a historic and unparalleled decision that no compensation whatsoever should be paid in respect of the land from which expropriation had taken place under the big landed estates abolition act. The decision freed the state peasants/tillers from the enslavement of jagirdars. The decision was in tune with the democratic essence of ensuring social justice, social equality and social stability. It is worth to mention that though land reforms were carried throughout India but the expropriated proprietor was compensated but Jammu and Kashmir is the only state where no compensation was given to expropriators.

Formation of constituent assembly and end of monarchy:-

The state of Jammu and Kashmir by 1950 though ruled by the popular government but it still derived its powers from the Maharaja. The National conference had promised a democratic government to people, which it realized could not be established without formulating constitution and ending centuries old monarchical rule. On 27th October, 1950,

the general council of the conference passed a resolution asking for elections to the constituent assembly for the purpose of giving to the state a constitution and simultaneously functioning as its legislature. On 1st may 1951, Karan Singh, the then head of the state issued a proclamation directing the formation of the assembly. The assembly was to be constituted of elected representatives of the people of the state. The election took place in August- September 1951. All the 75 seats were won by the national conference.

The constituent assembly hence formed had three objectives.

- i. Framing a constitution for the state and finalizing administrative arrangements with the centre.
- ii. Decide the future of the ruling family.
- iii. Decide about the compensation to expropriated proprietaries.

The elections and its results infavour of National conference led to formation of a democratic government with sheikh Abdullah as the prime-minister of the state.

The constituent assembly in March 1952 took a historic decision that no compensation will be paid to expropriated landholders who were affected by the Abolition of Big landed estates act.

The constituent assembly in November 1952 decided to abolish monarchy and the head of the state was to be called the Sadar-i-Riyasat, to be elected by the legislative assembly for a period of five years. Dr. Karan Singh (yuvaraj) was the first Sadri-Riyasat of the state.

The formation of a constitution is long and slow process, the constituent assembly which functioned legislature of the state as well, formed various committees and it was due to their sustained efforts state constitution was drafted. The constituent assembly adopted the states constitution on November 17, 1956 and it came in to effect on 26th January 1957.

Delhi Agreement (1952) :-

The instrument of accession signed by Maharaja of Jammu and Kashmir on 26th October 1947, was ambiguous in its terms. Meanwhile, as the constituent assembly of the state was at work to frame constitution, the Indian statesman thought it expedient to have the nature of the relationship between the state and the Indian government well defined, which it thought will be binding up on the constituent assembly and thereof, to the constitution of the state as well.

To quote Alaister Lamb "It was evident that the constitution would take its time in the production of a definite document. In the meantime, given the Indian diplomatic emphasis, which was being placed on its proceedings, Nehru soon concluded that it would be as well to obtain from Sheikh Mohammad Abdullah, some interim based definition of the kind of relationship between the Indian union and the state of Jammu and Kashmir that would in due course emerge. Above all it would be extremely useful to have the ambiguities of the interpretation of the word "accession" clarified".

He adds that "It was the aforesaid objective that government of India requested the then Kashmiri leaders to come to Delhi for discussion headed by Mirza Afzal Beg. He held discussion with Jawaharlal Nehru in June 1952. In July 1952 Sheikh Abdullah along with Bakshi Ghulam Mohammad and others joined the talks. The result was an agreement between known as "Delhi Agreement" signed on 24th July 1952."

The main features of Delhi agreement are:

- i. That the sovereignty in all matters other than those specified in the instrument of accession continues to reside in the state. The government of India agreed that while the residuary powers in respect of all the states are vested in the centre, in case of Jammu and Kashmir, they shall be vested in the state itself.
- ii. The two governments agreed that in accordance with article 5 of the Indian constitution, persons who have their domicile in Jammu and Kashmir shall be regarded as citizens of India, but the state legislature was given power to make laws for conferring special rights and privileges on the state subjects in view of state subject notifications of 1927 and 1932.

- iii. It was agreed that the President of India shall command the same respect in the state as he does in other units of India. Articles 52 to 62 of the constitution relating to him should be applicable to the state.
- iv. The union government agreed that the state should have its own flag in addition to the union flag, but it was agreed by the state government that the state flag would not be a rival of the union flag. It was also recognized that the union flag should have the same status and position in Jammu and Kashmir as in the rest of India.
- v. There was complete agreement with regard to the position of the *sadar-i-riyasat*, though the *Sardar-i-riyasat* was to be elected by the state legislature, he had to be recognized by the president of India before his installation as such; in other Indian states the head of the state was appointed by the president and was as such his nominee but the person to be appointed as the head, had to be a person acceptable to the government of the state. With regard to the powers and functions of the *sadr-i-riyasat*, the following was mutually agreed upon.
 - a) The head of the state shall be a Person recognized by the president of the union on the recommendations of the legislature of the state.
 - b) He shall hold office during the pleasure of the president.
 - c) He may by writing under his hand addressed to the president resign his office.
 - d) The head of the state shall hold office for a term of five years from the date he enters upon his office.
- vi. With regard to the fundamental rights, it was agreed that the state were to have fundamental rights. But in view of the peculiar position in which the state was placed, the whole chapter relating to “Fundamental rights” of the Indian constitution could not be made applicable to the state.
- vii. With regard to the jurisdiction of the supreme court of India, it was accepted that for the time being, owing to the existence of the board of Judicial advisors in the state, which was the states highest judicial authority , the supreme court should have only appellate jurisdiction.
- viii. With regard to emergency, it was agreed that under Article 352, in case of external aggression, the government of India would have full authority to proclaim emergency in the state. However, in case of internal disturbance, emergency could be declared only with the concurrence of the state

government. It was also agreed that article 356, dealing with suspension of the state legislature and article 360 dealing with financial emergency shall not be applicable to the state.

Dismissal of sheikh Abdullah and change of the government:-

Sheikh Abdullahs dismissal on 8th August 1953 was not spontaneous but well thought out decision, hatched both at New Delhi and in the valley. The principal actors who played part in it were Pandit Nehru, Maulana Abul Kalam Azad, B.N Mullick and from the valley Bakshi Ghulam Mohammad, G.M Sadiq, Shyam Lal Saraf and Dr. Karan Singh, the Sadar-i-riyasat. The change in ideology of Sheikh Abdullah sent ripples across India and the Indian government thought it prudent to have a loyalist in power in the state. The conditions were manufactured to ensure sheikh Abdullah's dismissal and subsequent arrest.

The announcement of Delhi agreement was followed by outbreak of a powerful agitation of Praja Parishad against it. The Praja Parishad was infavour of total merger of the state with the Indian union. In support of this Dr. S.P. Mookerjee of the Jana Sangh in May 1953, travelled to Jammu, where he was arrested and detained in Srinagar Jail. His death there in the following month under suspicious circumstances raised a storm of indignation in India against Sheikh Abdullah. It is from there on wards ways began to be devised for his removal and above all his voice against India had become louder.

Sheikh Abdullah in his speeches at Jammu and Srinagar on 12th, 15th, 18th of June, 1953 hinted that he was being forced to re-assess the Delhi agreement due to growing communal wave in Jammu and in India. He was quite emphatic in his speeches that the state had acceded only three subjects viz, defence, Communication and foreign affairs and had complete autonomy in all matters, nullifying even Delhi agreement.

PanditJawaharlal Nehru in order to persuade the Sheikh to be moderate in his criticism of Hindus and to Shun hate speeches, sent Maulana Abdul

kalam Azad to the state to advise him. But Maulana failed and infact advised Pandit Nehru to dismiss him “before he commits more mischief”.

On top of it writes Korbel, “Came the highly inflammatory rumours that the united states was backing the idea of Kashmir independence and that sheikh Abdullah had been encouraged in it when Adlai Stevenson had visited Srinagar in May 1952.”

Probably working at the behest of the Indiagovernment, many of the working committee members headed by BakshiGhulam Mohammad began opposing sheikh Abdullah for his change in attitude towards the position of the state in the Indian union. An open rift developed in the cabinet. Three of the five members differed on the measures taken by the government in ameliorating the economic condition of the people and the slow implementation of the provisions of the Delhi agreement.

The state of crisis was precipitated by the sheikh Abdullah’s demand for the resignation of a member of his cabinet, Mr. Sham lalSaraf, the development minister. He refused to resign unless whole cabinet was dissolved and a new government formed. The memorandum was submitted to Sadr-i-riyasat by the cabinet group led by BakshiGhulammohammad, accusingSheikh Abdullah for deterioration in administration. The Sadr-i-riyasat no doubt acting at the instance and with the support of the central government, issued an order on 8th August, 1953 dismissing Sheikh Abdullah from the prime ministership of the state on the charge of having lost the confidence of the cabinet. He however, was denied in a democratic way an opportunity to prove his majority on the floor of the house. On 9th of August 1953, sheikh Abdullah along with some of his confidents was arrested at Gulmarg and kept in detention at Udhampur in the Jammu province.

On 9th August 1953, Sadri-i-riyasat invited Bakshi Ghulam Mohammad to form a new government. He accepted the invitation and was sworn in as prime minister on the same day. He said in his radio broadcast,

“Recent developments have made it abundantly clear to all of us that a betrayal of the Country’s interest was in the offing which would have led to grave consequences.”

He further added, “An independent Kashmir under the influence of an imperialist power will be a grave threat to freedom and independence of Indian and Pakistani people”.

In order to completely erode Sheikh's influence on the politics of the state, the "Kashmir conspiracy case" was launched against him, Mirza Afzal Beg and 22 other people on charge of having conspired with Pakistan for making of an independent Kashmir. Sheikh Abdullah spent almost eleven years behind bars. He was released in 1964 and the case was withdrawn.

Plebiscite movement / Plebiscite Front:-

The dismissal of Sheikh Mohammad Abdullah and his arrest along with some of his confidants made these leaders to re-think not only about the political uncertainty of the state but also about themselves as to how they can carve a niche in the politics of the state because the state by then was determined to devoid any space to these political dissenters. It also seems that while in prison the leaders had thought of organizing plebiscite front. As Mirza Afzal Beg was released from jail on 29th November 1954, he began to conduct activities underground for the front. On 9th August 1955, he founded the "All Jammu and Kashmir plebiscite front" or plebiscite front. The front called for "Popular plebiscite" to decide if the state should remain part of India or join Pakistan or become independent. Mirza Afzal Beg was the president of the front, the patron being Sheikh Abdullah who was still in jail.

The plebiscite front fought on two fronts firstly, it demanded the government of India to fulfill its promise to hold a plebiscite in the state under the auspices of the United Nations, to decide the future of the state once for all. Secondly, it consistently opposed the government and rejected any decision taken by the state's constituent assembly regarding the accession of the state with India.

The front asked people for the non-cooperation with the government of the state and the centre. The front highlighted the failure of the government in various spheres and underrated the benefits to the people from various government measures. As the front propagated that the state's accession to India was conditional therefore, it invalidated all elections, state or parliamentary. It regularly asked people to boycott general elections from 1956-1967. The front played a decisive role in internationalization of Kashmir issue by submitting memorandums to president of U.S.A on his visit to India

in 1959. Similarly, a memorandum was submitted to common wealth prime-ministers conference held in London in 1962. In 1964, it brought out a white paper refuting “The contention that Kashmir’s accession to India was final and irrevocable.”

The beginning of 1970s brought a sea change in the ideology of Sheikh Abdullah and he dropped plebiscite idea and began to crave for power. There were many forces behind his drift in ideology. In 1971, the government of Jammu and Kashmir banned the plebiscite front. Though Sheikh Abdullah vehemently criticized the government but to no avail. He even challenged the validity of the accession of the state to India. The government of India therefore, exiled Sheikh Abdullah from the state. While in exile, Sheikh Abdullah was overawed by the charisma of Mrs. Gandhi. To quote contemporary Indian historian Ram Chandra Guha, “Throughout the 1971, he had been living in New Delhi, so had witnessed at first hand Mrs. Gandhi’s emergence as a national leader. The outbreak of war made him less confused; it now appeared to him that independence for his people was quite out of question. In June 1972, he met Mrs. Indra Gandhi and shortly afterwards he was allowed to go to Kashmir”. He returned to Kashmir with an altered psyche. In September, while speaking at a function the Sheikh Abdullah went so far as to say I am an Indian and India is my homeland. It is also true that government of India by then had realized Abdullah’s impact on the people of the state because in 1972 municipal elections, banned plebiscite front won a massive victory. The government of India therefore, thought it prudent to break deadlock with Sheikh Abdullah. It seems that some kind of understanding had already developed between Mrs. Indira Gandhi and Sheikh Abdullah therefore, once Sheikh returned back to valley, he was not only speaking different language but there were hectic movements for dialogue. The first meeting for dialogue was held on January 8 and 9, 1974 between the Sardar Swaran Singh (the then external affairs minister) from the Indian government side and the Sheikh Abdullah. It was followed by series of talks and eventually culminated in an Agreement, known as “Indira-Sheikh accord or “Kashmir accord”.

Indira-Sheikh accord 1975:-

The talks between government of India and Sheikh Abdullah, which had started in January 1974, culminated in an agreement known as Indira-Sheikh accord. The accord was confirmed by the political committee of the central cabinet on 18 January 1975 and by the executive committee on 22nd January 1975. The terms of the accord were made public on 24th February 1975. The accord had following terms.

- I. The state of Jammu and Kashmir which is a constituent unit of the union of India, shall in its relation with the union, continue to be governed by Article 370 of the constitution of India.
- II. The residuary powers of legislation shall remain with the state, however, parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India.
- iii . Where any provision of the constitution of India had been applied to the state of Jammu and Kashmir with adaptation and modification, such adaptations and modifications can be altered or repealed by an order of president under Article 370 but provisions of the constitution of India already applied to the state without adaptation or modification are unalterable.
- iv. The state government was permitted to make its own laws on matters like welfare measures, cultural matters, social security and procedural laws, in a manner suited to the special conditions in the state. It was also agreed that the state could review the laws made by parliament and extended to the state after 1953 on any matter relatable to concurrent list and might decide which of them in its opinion needed amendment or repeal.
- v. No agreement was reached on the question of nomenclature of the Governor and the Chief Minister and the matter was therefore, remitted to the principals.
- vi) As an agreement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the state should be made by the presidential order to the effect that no law made by the legislature of the state, seeking to make any change in the effect of any provision of the constitution of Jammu and Kashmir relating to any of the matters, “the appointment, powers, duties

,privileges and immunities of the Governor. The following matters relating to elections namely, the superintendence, direction and control of elections by the election commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the legislative council, being matters specified in sections 138, 139, 140 and 50 of the constitution of Jammu and Kashmir shall take effect unless the Bill, having been reserved for the consideration of the president receives his assent.

The accord brought Sheikh Abdullah back to power, as on 25th February 1975, he was sworn in to the office of chief minister, which he retained till his death on September 8, 1982.

The accord buried the Slogan of “Raishumari Foran Karao” for more than a decade. The critics called the phase of Plebiscite front (1953-75) as political maundering (siyasi Awargardi). Many believed that politics of plebiscite was for political bargaining. Among the critics of the accord were Awami action Committee of Mirvaiz, Peoples league and Jamat-i-islami in the valley and JanSangh in the Jammu.