

Post Independence Political Anarchism In Jammu and Kashmir; Visiting New Political Dimensions Under the Aegis of Praja Parishad- A Political Audit, Vis a Vis Patriotic Nationalism

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Abstract: *The chequered history of the Jammu and Kashmir State goes to display very unbecoming conduct of the leaders though posing themselves to be icons of freedom and responsible for bringing democracy in Indian subcontinent but the political audit of this state in post Independence era eclipse their so-called claims by displaying very dark situations artificially cast to put the state of Jammu and Kashmir in prey of Pakistan besides to face the ugly rought of tribes aggression very calculated at the dictates of British last Governor General of India Lord Mountbatten conceptually was intriguing to put Jammu and Kashmir in jaws of Pakistan and my Prime Minister strategically by drafting Indian Independence Act 1947, by rendering this state landlocked without any access with India in the circumstances when all road and rail links passing through the areas fallen in Pakistan territories were snapped. The Boundary Commission headed by Radcliffe who was required to publish its boundaries demarcation well before the appointed day of independence, 15th August 1947, with a little hope of bringing back Gurdaspur District in Indian territories and creating possibilities of road access between Jammu and Pathankot via Lakhanpur, also did fail in its duty. It was only on 17th August 1947 when such report was published thereby making state of chaos. Even the deplorable conduct of Pandit Nehru in laying net of obstacles besides casting conditions in accession of the State with India coupled with taking issues of PoJK in UNO on the ill advice of Lord Mountbatten, declination of the proposals of the then Lt. General for retrieving areas of PoJK are the glaring examples of the damages faced by the nation for over seven decades. The chain of facts leading to extraordinary blind supports to Sheikh Mohammad Abdullah, imposition of Article 370 responsible for Cropping Up state secession and terrorism cannot be overlooked.*

Keywords: Terrorism, Instrument of Accession, Secessionist forces, Praja Parishad Agitation, Patriotism.

I. INTRODUCTION

The erstwhile State as stood on the appointed day of independence, the 15th August 1947, came into existence in unification form under the strength of much famous "Treaty of Amritsar" dated 16th March 1846 so executed between the British Government and Maharaja Gulab Singh, the territories of which were spread over an area of 2,22,236 square kilometers (84,471 square miles), north of its boundaries were bounded by Chinese Turkestan and northwest by the Soviet Republic of Turkestan and Afghanistan, to the west it was bounded by Pakistan and to its south lie Pakistan and Republic of India..

In the face of the Indian Independence Act 1947(10 & 11 Geo.6.c.30) dated 18th July, 1947, which came into force on the appointed day of Indian Independence, the 15th August 1945, the partition of India came into fore by way of formation of the Dominion of India and the Dominion of Pakistan. In case of the princely states of India, they were made sovereign states by relieving them from all liabilities and burdens of Britain Government and they were made free to join either with India or Pakistan by execution of instrument of Accession by their respective rulers, as specifically laid down under the Government of India Act 1935.

It was on October, 26, 1947, the then State of Jammu and Kashmir as stood on 15th day of August 1947 was acceded to Indian Dominion under the strength of an Instrument of Accession so executed by the then ruler of the said State,

Maharaja Hari Singh in the required and desired manner on the same form as the standard draft so circulated by the the Governor General of India, Lord Mountbatten on 25th July 1947, before the princes participating in the full chamber addressed by him (Lord Mountbatten). Thus the entire State of Jammu and Kashmir as stood on 15th August 1947 with its territorial area 2,22,236 square kilometers stood acceded, merged and became inalienable part of India.

Unique History of Jammu and Kashmir Towards Freedom and Merger of State With India.

Jammu and Kashmir State has to face a very chequered history in the past towards freedom movement as well as merger of the state of Jammu and Kashmir with Indian Republic came to conclusions in focus after 15th August 1947, though seeds of which were sown much decades earlier. Such material facts can be enumerated in brief as ;

The Patriotic character of Jammu Dogras historically remained unquestionable, who always sacrificed their lives for the protection and save the honor of the mother land.

The role of ruler of the time when freedom movement was at its full oswing, more particularly by rising and making firm Patriotic statement on November 12, 1930, in response to opening address of His Majesty the King Emperor George V in London.

He being a Senior Member of the State Council, brought in operation by his circular order the restrictions on acquisition of improbable properties in the state of Jammu and Kashmir by non state subjects in 1922 though statutory Orders issued thereafter in 1926. Another amendment to accommodate Indians was made in 1932 by introducing provisions of relaxation by way of Riyaitnama and Izatnama.

UNFURLING Double Jack flag of British Government from its Residency at Srinagar in April 1926.

Closing down British Residency at Jammu is in Nov. 1926.

Participation of Jammu Dogras in Azad Hind Fouz led by Netaji Subhash chandra Bose with the blessings of Maharaja Hari Singh.

Participation of Jammu Dogras working at Amritsar during Jallianwala Bagh incident including Mr. KICHLU Advocate.

In Contrary to above the incidents as detailed hereunder are worth noticing;

A conspiracy was laid by British Government to get acceded Jammu and Kashmir state to Pakistan being located geographically at strategically position, and keeping it in weak hands find British people free hand to interfere in its matters

With this motive behind, Lord Mountbatten, the then Governor General of India as well as Member of House of Lords in British Parliament, also the architect of the Indian Independence Act 1947, in confidence with Pandit Nehru, drafted and got said Act enacted from the British Parliament in such a fashion, by partitioning the territories of British India, the strategic important state was rendered land locked without road access to India more specifically by transferring Gurdaspur District of United Punjab State to Pakistan. This conspiracy was hatched to force Maharaja Hari Singh to Join Pakistan

At the intervention of RSS chief Guru Golwalkar ji and by conversation with Sardar Patel the then Home Minister of India and active participation of Justice Mehar Chand Mahajan a member of the Radcliffe Boundary Commission, in exchange of Lahore, Gurdaspur District was retained by present Punjab State creating a road access to State of Jammu and Kashmir by way of present Jammu Pathankot National Highway, which was constructed by the people of Jammu Kandi region volunteers without wage with their day and night labor's in a ten days time.

It was Sheikh Mohammad Abdullah who after passing out MSc in Chemistry from Aligarh Muslim University, formed Reading Room Party in 1930, thereafter Muslims Conference, a political outfit and at the behest of British officers delivered fanatic speeches in mosques of Kashmir besides gave a call of quit Kashmir by Jammu Dogras, thereby taking a path of separatism in Kashmir, resulting which 1931 riots in Kashmir, besides ideological approach of succession from Undian Union resulting which he was imprisoned also in 1953 on the seduction charges

After independence of India a move furthered after Accession of the state by imposition of permit system for ingress and egress by the Indians in this state since 15th day of August 1947. However this permit system in this state of Jammu and Kashmir came to an end in 1959.

The controversial provisions of Article 370 in the constitution of India since 26th January 1950 and backdoor enforcement of Article 35A in 1954 was the further step forward to such quit Kashmir movement by Sheikh Mohammad Abdullah I e step of separatism.

Circumstances Forcing For Cropping Up All Jammu and Kashmir Praja Parishad Headquartered at Jammu.

Upon partition of India in consequence of enactment of Indian Independence Act 1947, coupled with options of the Rulers of princely states either to join with Indian or Pakistan's Dominion, the ruler of the Jammu and Kashmir state, Maharaja Hari Singh as well as the people of Jammu region as whole besides people of Ladakh and part of Kashmir region were inclined to join India but it was Sheikh Mohammad Abdullah led National Conference which intended to get the transfer of power to it first from Maharaja and then it must be National Conference who may decide the fate of the state thereafter. The version of Sheikh Mohammad Abdullah led National Conference was also supported by Pandit Nehru as well as Lord Mountbatten.

Although Pandit Nehru made all obstacles in the process of Accession of state of Jammu and Kashmir with India, but with the intervention of the RSS Chief and the then Home Minister of India Sardar Vallabhbhai Patel, Instrument of Accession was executed by Maharaja Hari Singh on 26th October 1947, but Pandit Nehru imposed unscrupulous conditions of transfer of administrative power to Sheikh Mohammad Abdullah.

Accordingly Sheikh Mohammad Abdullah was appointed Chief Emergency Officer of the state but was to work under the administrative control of the Prime Minister of the State Justice Mehar Chand Mahan. Again under the unscrupulous interference of Pandit Nehru, Sheikh Mohammad Abdullah was got appointed as the Prime Minister of Jammu and Kashmir state on 5th March 1948 by getting issued proclamation by Pandit Nehru under coercion and undue pressure exposed by a letter dated 1st March 1948 addressed by N. GOPALASWAMY the then Union Minister of India to Maharaja Hari Singh thereby sending draft notification to be issued for appointment of Sheikh Mohammad Abdullah as Prime Minister by impersonation him the sole leader of the State as blessed by Pt Nehru on the pretext of ongoing case in the Security Council at Success Lake.

Immediately after entering the corridors of power by Sheikh Mohammad Abdullah in the completion created by Pt Nehru, he started change of his colors by transgressions into the sovereign powers of the state vested constitutionally with the Maharaja of the State by issuance of ordinances etc. He got chanted slogans, through his National Conference workers, by lowering the respect and dignity of Jammities and Ladakhis, like "Ek Rehnama, Sheikh Mohammad Abdullah, Ek Tanzeem National Conference Ek Jhanda Halwala".

Smelling salt into such dangerous designs of Sheikh Mohammad Abdullah leading towards totalitarian by eliminating the dignity, and participation of Jammities and Ladakhis, who never accepted Sheikh Mohammad Abdullah as their sole leader as purported by his Kashmir based touts, besides his expected conduct leading towards separatism never tolerable by Patriotic Jammu Dogras, Pandit Prem Nath Dogra, former Wazir e Wazarat in Maharaja's Government, and well versed with the past ongoing developments of the state in November 1947, called a meeting of all prominent persons of Jammu region to take dangerous bell calls in the face of Cropping dangerous plans of Kashmir based leadership led by Sheikh Mohammad Abdullah.

It was in November 1947, the subsisting Political entities run under the name and style of "Hindu Sikh Naujawan Sabha" and "Hindu Rajya Sabha merged together and formed broad based political party with the active participation of Rashtriya Swayamsevak Sangh activist shri Balraj Madhok and others like Shyam Lal Sharma, Durga Dass Verma Dr. OM Parkash Mengi, Luda Mani Sangra, Lala Shiv Charan Gupta and many other prominent persons stood to join the political party for the sake of protection of the interests of all people of state on equity, fair play and justice for all people of Jammu and Kashmir by giving goodbye to regional based hypocrisy and tendencies of separatism, but by abiding the constitution about to come for Republic of India being Patriotic national character.

A young team of Praja Parishad was announced with Hari Wazit as its first President, Raj Pangotra as General Secretary. Other office bearers included s/shri Sham Lal Sharma, Durga Dass Verma, Rainier Singh, Sauder Singh, Om Parkash Sangra, Roop Lal Rohmetra, Jagdish Raj Sahni, Mulch Raj Arora, Hans Raj Ramnagar, Makhana Lal Aima, Lala Shiv Charan Gupta, Jagdish Raj, Khader Bhundar, Ishar Dutt Shastri Mgloor, Nathan Singh, Dataram Nath. Pandit Prem Nath Dogra and shri Bhagwat Saroop were named as Marg Darshik.

Role of R.S.S in Jammu and Kashmir ;

Prior to the emergence of the Praja Parishad in Jammu and Kashmir, the Rashtriya Swayam Sangh had established its net of units called Sakhas in most parts of the state especially in Jammu region.

In late nineteen thirties (1939) while preparing for its role of vital nature in the State of Jammu and Kashmir, especially when the independence movement across the Indian subcontinent was in full swing with firm aim to achieve the goal of independence of India from the clutches of British empire, the activities of Rashtriya Swayamsevak Sangh had hub of Patriotic activities in the adjoining regions of the Jammu and Kashmir State, like undivided Punjab and alike.

It was Shri Madhav Rao Muley, who moved in the Jammu and Kashmir state first as Prant Pracharak of Rashtriya Swayamsevak Sangh, who derived some dedicated Swayamsevak to establish R.S.S. Shakhas in this state.

The first to come forward, was the son of the soil Professor Balraj Madhok in the late nineteen thirties (1939) at Jammu but because of his appointment as Professor in Srinagar college, he was succeeded by Shri Jagdish Abrol of Sialkot, Shri Kedar Nath Sahni and some other Pracharaks who put in a great zeal to establish Sakhas at various places. The first of such Sakhas was established in Dewan Mandir in Jammu city and first R.S.S. Kariya in a room of Ved Mandir of Jammu. Though large number of youth joined R.S.S network but it was generally recognized as a body of teenagers.

In 1942 Balraj Madhok was assigned the responsibilities of Pracharak of R.S.S who had established number of its branched initially in Jammu region and thereafter in Kashmir valley. Pandit Prem Nath Dogra was also assigned the responsibilities of Chairman (Sanghchalak) of the R.s.s in Jammu.

In 1947, when the freedom of India from British Empire became eminent, a delicate and complicated situation in the Jammu and Kashmir state in regard to its accession with India in the face of aggressive pressure from the then Governor General of India, Lord Mountbatten, Kashmir based National Conference political outfit led by Sheikh Mohammad Abdullah with the naked blessings of Pandit Jawahar Lal Nehru, stressing for the transfer of administrative power to it and the issue of Accession of this state be left to the then self purported Sheikh Mohammad Abdullah and his party National Conference, to decide the future fate of Jammu and Kashmir.

In such a chequered situation created by different quarters, the role of R.S.S because vital and indispensable which came forward to help Maharaja Hari Singh and stood behind him for the total merger of the Jammu and Kashmir State With Indian Union later in 1950 became Indian Republic.

R.S.S began its accelerated activities in Jammu and Kashmir state in 1940s when Balraj Madhok was its Pracharak. Under the wise guidelines of Pandit Prem Nath Dogra, R.S.S. spread its work in Jammu and Kashmir.

It was in 1947, when Professor Balraj Madhok submitted his detailed memorandum to Maharaja Hari Singh listing the pros and cons of possible options of joining either Pakistan or India and remaining independent, while assuming full support of R.S.S to Maharaja with his firm stand of merger of the state with India.

In the wake of failure of political efforts to overcome the ongoing political statement over this crucial issue, at the instance of the then Home Minister of India Sardar Vallbhbhai Patel, the then Prime Minister of Jammu and Kashmir Justice Mehar Chand Mahajan arranged a meeting between R.S.S Chief Shri Guruji Golwalkar and the Maharaja Harisigh on 18th October 1948.

According to late Madhavrao Muley, the then RS.S. Pracharak in the State of Jammu and Kashmir and Punjab, it was Guruji, who could convince the Maharaja about the Accession of Jammu and Kashmir State With Indian Union. Ultimately Instrument of Accession duly signed by the Maharaja dated 26th October 1947 was sent to Delhi through Justice Mehar Chand Mahajan and shri V.P. Mahajan the then Home Minister especially deputed by Sardar Vallbhbhai Patel for the purpose..

The contribution of R.S.S. volunteers in Kashmir is worth noticing on 27th October 1947, when the in the state of anxiety, when Pakistan's supported triple heading towards Srinagar dusty Airport guarded the same until first batch of Sikh Army led by Lt. Colonel Ranjit Rai did land the same and took charge of the ground of the said Airport.

Another contribution of the R.S.S volunteers can counted after the execution of instrument of Accession on 26th October 1947, when the mobilized the people of lower Shivalik fled in jungles in the wake of terror let at large by the Pakistan army aided invasion of tribes, to create a road access between Jammu and Pathankot in emergency so as to transport Army to Jammu region meant for acing the Pakistan invasion. The road was created in the alignment fixed by the defense department of the Indian Government in a week's time or so by the laborious contribution of the people of Jammu Kandi area voluntarily without wages and carrying their food and working implements of their own. Thus the Jammu region was saved for the areas as existing today from the Pakistani aggression of 1947.

Role Of Praja Parishad After Accession of Jammu and Kashmir state with India

The prime object of the newly formed political wing of Jammu people under the name and style of The Jammu and Kashmir Praja Parishad was to achieve the full and inalienable integration and Merger of the Jammu and Kashmir State With Union of India like other parts of India with the complete safe guards of the rights of the subjects of this state with equal and equitable basis as available to other citizens of India with the complete application of upcoming construction of India for which the Constituent Assembly of India was on work, and every step to the contrary maneuvered by the regime of Sheikh Mohammad Abdullah with the blessings of Pt. Nehru be defeated being counterproductive to Patriotism and Nationalism as a whole .

The All Jammu and Kashmir Praja Parishad on this account firmly believed that the Jammu and Kashmir was, is and will be an inseparable and inalienable part of India and based on Indian culture, the Party should establish, such a political, social and economic order by which there room of discrimination based on caste, creed or colour and faith. All citizens would be provided equal opportunities in all spheres of development and progress of the state..

The emergence of Political Wing of Jammu people as aforesaid with the contributions of its members as fee of four Anna's and Rs five as fee from General Council members besides donations by sale of party tickets with denomination of Re1, Rs5 Rs 10, Rs 20, Rs50, Rs 100 with photographs of Pandit Prem Nath Dogra as a source of finance to launch party programs, all that was irked Sheikh Mohammad Abdullah a Kashmir based leader who was absolutely intolerant towards his adversaries growing up as a challenge to his separatism agenda totalitarianism.

Sheikh Mohammad Abdullah did not hesitate in expelling the leadership of R.S.S from the state, notably Professor Balraj Madhok, Shri Jagdish Abrol, Kedar Nath Sahni, Kavi Raj, Vishnu Gupta and alike others as well.

Pandit Prem Nath Dogra and some other tall leaders were put in jails. Pandit Prem Nath Dogra was shifted to Srinagar in February 1949 during intense cold weather by slapping the provisions of Section 3 of the Ranbir Penal Code, in local dialects notoriously called as "Daffa Tunn", which otherwise meant to put in jail without any right of being heard, especially in such cases not was possible .

In May 1949, the All Jammu and Kashmir Praja Parishad launched a Saryagrah movement to seek the release of Pandit Prem Nath Dogra and against the discrimination attitude of Sheikh Mohammad Abdullah regime and Kashmir centric policies of Government of India. To crush the Jammu based strong movement, treating as threat to his Government, Sheikh Mohammad Abdullah dispensation resorted atrocious behavior resulting which the agitation protesting people went more angered, mobilizing support of the people from all regions of the State of Jammu and Kashmir as well as of the people across the country. It was however on the intervention of the national based leaders from Delhi, Pandit Prem Nath Dogra was released from Srinagar Jail on 8th October 1949. However it is worth to point out that such illegal detention of Pandit Ji, caused severe adverse effects to his health.

Immediately after release of Pandit ji from the bars of Srinagar Jail, Pandit Prem Nath Dogra was forced to hold the Presidentship of the All Jammu and Kashmir Praja Parishad organization, a befitting role to face the atrocious challenges imposed by Sheikh Mohammad Abdullah's regime against his opponents especially the people of Jammu region. Shri Durga Dass Verma was announced as General Secretary. Dhanwantar Singh, Zaildar Ranjit Singh of Nagri Parol, Luder Mani. Sangra of Kuta, Hiranagar, Shri Sham Lal Sharma as Vice Presidents, Shri Bhagwat Saroop was made General Secretary (organization) and Gopal Sachar as publicity matters. Makhan Lal Aima was assigned the responsibilities of Prabhari for the out of state matters. Ram Nath Balgotra was made incharge of matters relating to Kathua district, Radha Krishan Sharma for Udhampur district, Roop Lal Rohmetra for Doda. The members of working committee were announced as Chatru Ram Dogra, Sant Ram Baru, Shiv Ram Gupta, Gian Chand Mirpuri Jagat Ram Aryan, Luder Mani Sangra, Zaildar Ramjeet Raghunath Singh Samyal and Jagdish Khadar Bhandari.

This apart, Nathan Singh for Ramban, Shiv Kumar Sharma for Kishtwar, Baldev Raj for Baderwah Rishi Kumar Koushal for Reasi, Hans Raj Gupta for Ramnagar, Rainier Singh and Shadi Lal for Jammu, Som Nath Dogra for Akhnoor, Thursday Seh Dev Singh for nowhere, Jagdish Chander Shastri for Rajouri Narsingh Dass Sharma for Samba, Dataram Nath ji for Basoli, Ishwar Dass Shastri for Hiranagar, Swarn Dev Singh ji for Billawar Jagdish Singh ji for Kathua, Ved Parkash and Yash Bhushan for R.S.Pura and Shri Shiv Charan gor Udhampur district were announced as organizing Secretaries.

After the release from detention, and Praja Parishad organization was politically strengthened with local activists both at national, international level because of the fast moving developments across the state resulting which the rank and file of the state with Patriotic mindset expanded its network at every nook and corner of rural areas including remote villages..

Developments After Accession of State by defeating the very objects of Democracy

Nomination of Members in the Constituent Assembly of India instead of election democratically by the subsisting Praja Sabha of Jammu and Kashmir.

(a). The state of Jammu and Kashmir prior to independence was holding democratic institution called the Praja Sabha, the last election of which was held in early 1947 and Budget session of which was also held in April May 1947 with a term of such subsisting Praja Sabha to expire in 1950 in terms of the Jammu and Kashmir Constitution Act 1939.

(b) In terms of rule 4 of the Indian Constituent Assembly Rules, the state of Jammu and Kashmir was entitled to elect at least 4 members to represent this State in the Indian Constituent Assembly for Constitution making process, immediate after the accession, taken place on 26th October 1947.

(c) It was on 27th May 1949, for the first time an amendment to rule 4 of the Indian Constituent Assembly Rules was moved by N. Gopala Swamy by inducing its rule 4A, thereby making substituted provisions such as nomination of such members by the head of State Maharaja Hari Singh only on the recommendations of Prime Minister of the State, happened to be Sheikh Mohammad Abdullah, who himself was not an elected member, either of any democratic institution, nor elected by the Praja Sabha but got appointed under coercion as Prime Minister of Jammu and Kashmir state apparently on the face of letter dated 1st March 1948, written by N. GOPALASWAMY, the then Union Minister of India.

(d) Another conspiracy was hatched to exile Maharaja from the State of Jammu and Kashmir permanently in object behind, but purported move temporarily on health ground by getting Yuvraj Karan Singh to be his Regent investing full powers as could be exercised by Maharaja Hari Singh himself, quite evinced from such proclamation dated 20th June 1949.

(d) Another fraud with powers was committed by Sheikh Mohammad Abdullah himself by recommending himself, besides, Mirza Afzal Begh, Mr. Moulana Masoodi and Mottram Baigra as Members of the Indian Constituent Assembly and getting them nominated from the Regent of the State Yuvraj Karan Singh who himself was appointed as Regent only on 20th June 1949 but according to Indian Constituent Assembly Debates all of them took oath on 16th June 1949.

(e) The scandalized process of the most revered Constitution Making Body came further to fore, when three members of the Constituent Assembly of India, Mirza Afzal Begh, Moylan Masoodi and Moti Ram Baigra taking oath on 16th June 1949, did figure in a group photo of the Constituent Assembly of India taken on 7th April 1949.

Proposal For Induction of Article 370 By Sheikh Mohammad Abdullah.

(a). It is well placed in Constitutional Papers, Bhartiya Vidya Bhawan Bombay Vol II Page 519-520, that It was none but Sheikh Mohammad Abdullah who under his letter dated 18th May 1949 had submitted a proposal of induction of Article 306A i.e. at such point of time when he was neither a member of the Indian Constituent Assembly nor an elected Prime Minister of Jammu and Kashmir state and how strangely the said proposal was placed before the Drafting committee scheduled to take place on 4th October 1949 apparently on the face of letter dated 26th September 1949..

(b) Interestingly the said proposal was also rejected by the Chairman of the Drafting Committee Dr B. R. Ambedkar. Said matter was again placed before the Congress Working Committee, which also did not accede to the said proposal of Sheikh Mohammad Abdullah in his presence in person.

(c) Again the Minister without portfolio in Government of India wrote a letter dated 15th October 1949 to Sardar Vallbhbai Patel the crux of which is read as "I have since through over the matter further and stated a draft which, without giving up essential stands we have taken in our original draft, readjust it in minor particulars in a way which I am hoping Sheikh Abdullah would agree to".

(d) The response of Sardar Vallbhbai Patel vide his letter dated 16th October 1949, while straightening the hair is read as,

“ Thank you for letter dated 15th October, which I received only this afternoon on my return from the Constituent Assembly.

I find some substantial changes over the original draft, particularly in regard to the applicability of the fundamental rights and directive principles of the state policy. You can yourself realize the anomaly of the State becoming part of India and at the same time not recognizing any of these problems.

I do not at all like any change after our part approved of the whole arrangement in presence of Sheikh Sahib himself. Whenever Sheikh Sahib wished to blackout , he always confronts us with his duty to the people. Of course he owes no duty to India or to the Indian Government, or even on a personal basis, to you, the Prime Minister who have gone all out to accommodate him

In these circumstances, any question of my approval does not arise. If you feel it is right thing to do so, you can go ahead with it”.

(d). Finally the provisions of Article 306A, renumbered as Article 370 in the Constitution of India was placed on the floor of the Constituent Assembly of India on 17th October 1949 and was adopted on the strength of misperception and distortion of facts.

Fraud in Conduct of Jammu and Kashmir state Assembly/ Constituent Assembly Elections.

(a).The then Regent of the State of Jammu and Kashmir, Yuvraj Karan Singh, by way of proclamation dated 1st May, 1951, the constitution of a Constituent Assembly of the State of Jammu and Kashmir was ordered and the election process of the same came to be initiated

(b) The state Government of Jammu and Kashmir led by Sheikh Mohammad Abdullah did not allowed the extension of jurisdiction of the Election Commission of India in this state, rather than by constitution of Delimitation Committee at its own comprising persons of his choice allocated discriminately 43 seats for Kashmir, 30 Seats for Jammu region and 2 seats for Ladakh in sheer violation of the terms laid down by the Regent in his proclamation under which one Assembly seat ought to have been for 40,000 population.

(c) Another fraud was committed by the election machinery of the state fully controlled by Sheikh Mohammad Abdullah Government himself without jurisdiction of election commission of India, which outrightly rejected the nomination papers of 46 candidates of Jammu region purely on first grounds.

(d) Another act of separatism committed by the State of Jammu and Kashmir by enforcing permit system ingress and egress of any person from the state of Jammu and Kashmir to visit any part of India or any person visiting the state from India. But on the other hand there was no restriction of Pakistanis to visit this state., though such permit system was abolished in 1959.

(e) in face of such oppressive conduct of Sheikh Mohammad Abdullah's regime, and dangers looming large ahead, a state level convention was convened on 10th November 1951 at Jammu. Pandit Prem Nath Dogra in his presidential address had said “ This session of the representation of the people is being held at such a crucial juncture when Pakistan is out to grab the entire State of Jammu and Kashmir with the support of the Anglo American bloc on the other hand Sheikh Abdullah led National Conference Government is playing dubious role. Apparently the division of the state is being opposed, but little is being done to get liberated the areas held by the enemy despite lakhs of people have been forcibly let out of this state territories and rendered refugees. Moreover it is being designed to have a state's own constitution, which would be lead the wishes of a political party owned Bible of Naya Kashmir in furtherance of their slogans of Quit Kashmir.

Referring to the grave situation created in the wake of massive invasion of the state by the enemy, Pandit ji, while paying rich tributes to great martyr Brigadier Rajinder Singh ,the Chief of Army staff of the state of Jammu and Kashmir, recalled his great contributions, how he with just a company of state army miraculously checked the advances of the thousands of invaders for three days and prevented them to enter the Kashmir valley, while fighting with the enemy till last bullet and last drop of blood as commanded by the Maharaja. This had provided opportunity to the Maharaja Harisingh to sign the Instrument of Accession with Indian Union on 26th October 1947, and on the next day , 27th October 1947, the Indian troops landed at Srinagar to push back advancing Pakistan's backed invaders. Pandit Dogra also highlighted the great value demonstrated by Lt. Colonel Hira Nand Dubey, Major Angrez Singh, Lieutenant Amlok Singh, Martyr Captain Sardar Ganga Singh and others on various fronts, fighting with the enemy despite treachery by some army men under communal influence.

While cautioning in detail, the abnormally highly sad situations being crept by the both internal and external elements, Pandit ji awakened the delegates as well the common people while reminding them for their special responsibility to which they owe, ie to save the state for India as this vast state was consolidated and brought in the shape by our ancestors by sacrificing their blood, flesh and bones.

Pandit Prem Nath Dogra strongly opposed the oblique moves and slogans made to distance this state from the rest of country India by laying a trap of separate constitution. Pandit ji further stressed that there seems a dire need for a struggle for which we all should prepare for a great cause.”

While concluding his speech with the expression from his core of the heart, “ Na Samblo Gae Tou MIT Jao Gae, Ae Zanat Nishan Walo, Tamarindo Dastan Tak Bhii Na Hogi Dastano Mae*

(f) The working committee of the All Jammu and Kashmir Praja Parishad passed a resolution dated 8th October 1951, aftermath of the press conference held on October 6, 1951 and submission of memorandum to the President of India on the same day, which is read as,

“ Keeping in view the past short history of few months of Kashmir Government's partial and unjust activities in connection with the forthcoming elections to the Jammu and Kashmir Constituent Assembly and keeping in view the misrepresentation they seem to have made to the Hon'ble Pandit Jawahar Lal Nehru, Prime Minister of India, with the result he has gone out of his way in condemning the perfectly legitimate activities of the Praja Parishad in his recent speeches and statement, thereby interfering in the freedom of local elections which he should not have been advised to do, the Working Committee deems it essential to reconsider at this juncture its line of action. The return of our President from Delhi has also made it necessary for the Working Committee to decide finally this matter. It is therefore resolved;

1. That the statement issued by our President, Pandit Prem Nath Dogra wherein it has been stated in unambiguous terms that the Parishad stands for the completion and unconditional accession of the state of Jammu and Kashmir to Indian Constitution in its entirety is fully supported and endorsed by the Praja Parishad as being a true reflection of the mind of the Jammu people.

2. That all the assurances and guarantees of free and fair elections given by the Jammu and Kashmir Government have proved to be false and in spite of the Government of India and Government of Jammu and Kashmir having fully informed of all the partition and injustices from time to time in the shape of protests, demonstrations, notices and resolutions, no effective steps to consider the grievances or to redress them, have been taken and even our resolution dated 21st September 1951 giving the Jammu and Kashmir Government ample chance for consideration has been ignored. Consequently the circumstances created by the Jammu and Kashmir Government have compelled us to decide it finally not to contest the Constituent Assembly Elections under protest so long as the grievances mentioned in the statement issued by our President at Delhi are not addressed.

3. That Parishad would continue to mobilize the public opinion for the State's complete Accession to India and the adoption of the Indian Constitution like other states of Union and would do all that is needed to propagate the programme “.

The Following Points Were Raised By Pandit Prem Nath Dogra, President of the All Jammu and Kashmir Praja Parishad, In His Press Conference Held In New Delhi on Saturday, October 6 1951;

PRAJA PARISHAD

Praja Parishad is the strongest political party of Jammu region involving its members from all sections of the society including large number of Mohammadans for the last so many years. Even Members from Muslim communities do address the public meetings of Praja Parishad. The National Conference is restricted to its base in Kashmir Province, but ever since the Kashmir centric present administration has been setup in the state, though undemocratically, there has been campaign of vilification and harassment of the people of Jammu. It was against this maltreatment that the Jammu and Kashmir Praja Parishad had to launch a Saryagrah movement two years back in 1949, which was withdrawn on the definite assurance that there would be no discrimination in treatment between the people of the two Provinces of Jammu and Kashmir by the administration. In Contrary to it the Muslims having joined the hands of Praja Parishad in a spirit of fraternities have been dubbed as Pakistanis by the Sheikh Mohammad Abdullah regime. Even to

create a state of deterrence one of Muslim members of Praja Parishad was beaten by the local officials while another externed from the state who has been forced live in other parts of the country .

Although ever since the partition of India, the stand of Praja Parishad was specific to unequivocally stand for the unconditional Accession of the state of Jammu and Kashmir to Indian Union ,while as the National Conference did never agree to the same but wanted defense, external affairs and communications alone to be controlled by the central Government of India Even in the present elections (of 1951) , the Praja Parishad demands the application of the entire Indian constitution to the state of Jammu and Kashmir like other Part "B" and Pat"C" States that have been acceded to the Indian Union, while the National Conference wants a separate Constitution for the Jammu and Kashmir State for reasons best known to itself.

Praja Parishad Vs National Conference

As aforesaid, it is explicit there are basic and fundamental differences between National Conference and Praja Parishad over the accession of the state of Jammu and Kashmir to the Union if India; while the Praja Parishad stands for the unconditional accession to India, but in contrary to it National Conference has reservations in this regard and the conflicting statements and actions of the National Conference leaders during the last four years (between 1947- 1951), create grave suspicions in mind of the people of the state. The present elections to the Constituent Assembly of the Jammu and Kashmir state are also being fought on this very issue and that is the reason why the National Conference has been making attempts to prevent the Praja Parishad from entering the National Assembly.

With this end in view, the Government, which is another name of National Conference, is adopting all means of unfair foul, to prevent true representatives of the people from entering the Constituent Assembly As a result of this mindset behind, such a situation was created that no candidate from opposition party can dare to file a nomination, and whosoever dare to file nominations were forced to withdraw under undue pressure and coercion.

In Jammu province this intimidation on the part of the National Conference as well as its Government in the state of Jammu and Kashmir could not succeed, because of the fact that Praja Parishad is the strongest political organization of the province for so many years even when the National Conference did not even exist.its activities having been confined ever since 1932 when it was born as the Kashmir Muslim Conference in the Kashmir valley alone and thus now attempts are being made to prevent the Praja Parishad from having any effective voice in the Constituent Assembly of the State.

Tacts Adopted

The first thing is that the National Conference Government which it committed was that it did decide, not to hold elections simultaneously both in Jammu and Kashmir provinces. Every body was surprised to find that while the nominations were being filed in Kashmir valley at that point of time the final voter lists were not made in public domain for the Jammu province. It was only after the unopposed elections of the National Conference candidates had been announced in Kashmir valley, the dates of nominations in Jammu province were announced deliberately to influence the elections in Jammu province.

Irregular Delimitation

Another tactic adopted against Praja Parishad was that the Parishad was given no representation on the Delimitation Committee although at first the Praja Parishad was assured that it's representatives would be associated with the said committee, but later it was ditched by not giving any representation as a result of which the Delimitation of the constituencies in the Jammu province was carried out in such an arbitrary manner that all the strongholds of leading members of the Praja Parishad were broken up into fragments.

The constituencies as fixed by the Delimitation Committee are altogether opposed to the principles of contiguity and compactness of the ares as the basis of delimitation as laid down in the terms of reference for Delimitation Committee with a view to benefit the party in power.

No General Seats in Three Constituencies

The third method adopted against the Praja Parishad was that the areas where the Parishad was the strongest have been debarred from sending the candidates other than members of the Scheduled Castes although the population of Scheduled Caste members there, is very small. In India Scheduled Castes and Tribes have been given Seats in addition to General Seats but not at the cost of General electorate, except in those areas where the entire population is consisted of such Castes and tribes, but in Jammu, the Delimitation Committee has set apart three constituencies of Reasi, Kahna Chank and Bishnah for the Harijans only. In of these constituencies being reserved, three Seats had been set apart for these Harijans in Addition to the general seats there would have been no injustices to the general electorate, which has thus been disturbed from being represented in the Constituent Assembly, although they form a majority of the population in all these areas.

The most glaring instance of unfair Delimitation of the constituencies was the one in regard to Kishtwar, which has the largest population of Harijans, as no representation has been given to the Harijans there. The reason is very simple. The Harijans Candidate of the Praja Parishad in this area Mr. Jagat Ram Arya who was sure to be get elected by an over whelming majority. He was the sitting member of the Praja Sabha or the Legislative Assembly of the State last time. The Government at the first tried to win him over to National Conference side, but on his refusal, he was arrested and sent to Jail. He was however ordered to be released by the High Court as a result of a Habeas Corpus application. The Government then stopped his entry in to his home district Kishtwar by interning him in Srinagar. When there were protests against this all round, the Delimitation Committee debarred Kishtwar from returning a Harijans candidate thus making it impossible for the Praja Parishad candidate Mr Jagat Ram Arya from being elected to the Constituent Assembly.

Though the Praja Parishad protested against there injustices but of no avail.

Out Of The Way Polling Stations

The handicap put in the way of the Praja Parishad for coming out successfully was to fix the polling stations at out of the way places, where the national Conference Government resources alone could carry the voters and not at central places.

41 Out Of 65 Nomination Rejected

The most atrocious attempt that was made against Praja Parishad was that 41 out of 65 nominations filed by the Praja Parishad candidates for 27 of 30 seats from Jammu Province were rejected on most flimsy grounds in contrary to it not even a single nomination paper of any National Conference candidates was rejected, despite of the fact the Praja Parishad filed very serious objections against number of the nomination papers of National Conference. The glaring example of such atrocious conduct of election machinery can be adjudged from the facts placed below;

In Billawar constituency four nomination papers of Dhyan Singh, Tara Chand, Thaku Das And Ram Chand. All those four nomination papers were rejected on the self imposed ground that the proposers of these candidates were unable to produce State Subject certificates, although no such condition was imposed by the Election Rules vogue at that point of time. In Contrary to aforesaid the nomination paper of Ram Chand Khajuria was accepted despite of the same shortcoming besides the name of the candidate was not figuring in the official electoral but one Amar Chand figuring in official electoral was assumed as Ram Chandra.

In Hira Nagar constituency, the Praja Parishad filed four nomination papers for Baldev Singh, Rudramani, Ram Dutt and Jawala Parkash. The first three nomination papers were rejected on the pretext of non production of State subjects and that of fourth was accepted by the Returning Officer by saying that he personally knew the proposer and seconder of the candidate

In Basoli constituency the Praja Parishad had filed three nomination papers of Tara Chand, Jagdish Sharma and Ram Ch9

The nomination papers of first two elections rejected on the same pretext of the non production of the state subject certificates but the nomination paper of Mr Ram Chand was rejected on the pretext of his being a government servant, despite of the fact he had resigned from the government service and the acceptance of his resignation letter was produced by saying insufficient. In Contrary to it the nomination paper of the National Conference candidate Mahant

Ram was accepted despite of the fact that he failed to append with his nomination papers the form of declaration specifying his election agent being statutory and indispensable in nature.

In Kathua constituency, the Praja Parishad had set up five candidates namely Chagar Singh, Surendra Nath, Prithvi Singh, Ranjit Singh and Vidya Parkash. The nomination papers of first two candidates were rejected on the pretext of non production of State subjects, the nomination papers of Prithvi Singh and Ranjit Singh rejected on the pretext of their having been arrested in connection with a political movement in Jammu. In Contrary to as aforesaid, the nomination paper of National Conference candidate. Maj. Paragraph Singh was accepted despite lack of declarations as required under law.

For Ram Nagar constituency, three nomination papers were filled by the Praja Parishad candidates namely Hans Raj, Amritsagar, and Shiv Charan. The nomination paper of Hans Raj was rejected on the pretext that he was not sure of his serial number on the official electoral. The nomination paper of Amrit Sagar was rejected he was unable to produce certified copy of entry in the electoral roll, although he carried the copy of the said electoral roll containing his name. The name of Shiv Charan was rejected on the pretext that the name instead of Shiv Charan figured in the electoral roll as Lala Shiv Charan despite his parentage etc were the same..in Contrary to it the nomination paper of Lala Hem Raj was accepted despite his name in the official electoral figured as Lala Hum Raj.

The nomination papers of Raghunath Singh and Dhanwantar Singh from Samba constituency, Shiv Lal from R.S. Pura constituency, Shyam Lal from Akhnoor constituency and others were rejected.

Although the nomination papers of Praja Parishad candidate Dharm Pal from R.S. Pura constituency but later was forced to withdraw under coercion and undue pressure.

Undue Favour Extended To National Conference Setup Candidates

The name of National Conference setup candidate from the Jammu southern constituency was not appearing in the official electoral, instead appearing as Mrs Brigadier Rajinder Singh instead of Ram Dei, still her nomination papers were accepted.

Name of the National Conference candidate from Samba constituency, Sagara Singh as well as that of his seconder did not tally with official electoral, even then his nomination papers were accepted.

The father's name of National Conference candidate from Chhamb constituency, according to State subject certificate was Barita, but according to official electoral was as Brita Singh. Although according to State subject certificate he belonged to Jat community, but as per official electoral he was said to be Sikh. Still his nomination was accepted.

Although according to the Election Rules vogue at the point of time, the objections to the nomination papers ought to have been decided on the same day, but in case of Kathua constituency the same were passed over for the next day to give National Conference candidate, on the pretext of illness of both the presiding officers.

Interference of National Conference led Government's Official Machinery

Shockingly the entire administrative machinery of the National Conference Government had been geared up to carry on propaganda of the most malicious type against the Praja Parishad under the direct supervision of the then Deputy Prime Minister of the State of Jammu and Kashmir who had been touring Jammu Province by threatening and intimidating the people and desist in supporting the Praja Parishad candidates and the political part.

The the Deputy Commissioner Kathua accompanied by the then Finance Minister, Pandit Girdhari Lal Dogra had undertaken frequent tours and during which he addressed public meetings as well in favor of the National Conference candidates. He had even canceled the arms licenses of numerous people along the border area who did not support National Conference candidates besides issued fresh licenses to those who were made to oppose Praja Parishad under coercion and undue pressure.

In the same was the Tehsildar and the Niab. Tehsildar of Ramnagar worked in favour of National Conference and against Praja Parishad.

Helplessness of Mr GOPALASWAMY Ayyangar

According to Padit Prem Nath Dogra

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“ I came to meet the Minister of States Mr. N. GOPALASWAMY Ayyangar, to point out to him all these irregularities in the hope that he would be able to secure a fair deal for the Praja Parishad Jammu, but I regret to find that beyond the some vague assurances he has not been able to assure me that the Praja Parishad could expect justice and fair play in these elections.

(All these facts figure in a statement dated 6th December 1951 issued by Pandit Prem Nath Dogra at a press conference held at New Delhi.).

Mirpur Devastation

Prior to Pakistani invasion of the state of Jammu and Kashmir in October 1947, Mirpur was the second biggest city of Jammu region, having its flourishing trade center besides known for producing the men of esteem high caliber and vision Of them included Lala Ayodhya Nath, the elected member of then subsisting Praja Sabha, Chouinard Ram Lal Sadavarti, Choudhry Gian Chand Editor Sadaquar weekly, Raja Mohammad Akhtar Editor and philosopher, Judge Harbans Lal Bagotra, Maharaja Roop Chand, Shri Jagdish Chander Guputs and alike holding many aspects of life. The relations of all communities of the region were cordial because of the reason the name of this city was developed In background by the two saints named Mir and Puri.

It was the fateful night of 24/25 November 1947, the invaders supported by the Pakistani troops succeeded in capturing this historic city of Mirpur because of withdrawal process of the State Army in a mysterious manner. According to C.P Gupta, a retired Deputy Secretary of Jammu and Kashmir state, who while narrating the facts of bloodshed eyewitnessed by him at the age of sixteen, in his article published in English Daily Excelsior dated 05th March 2017, had said that, when Pakistan with its fully armed battalions, like hungry wolf poured upon the innocent ,unarmed population of Mirpur city now in P.O.K, when out of the total population of 25000 souls including men women and children of tender age, more than 18,000 persons were brutally killed in three days of carnage on 25th, 26th and 27th November 1947.

The only fault of the people of Mirpur was that they had unitedly vowed to protect Mirpur ,their birth land, from the Pakistani raiders even at the cost of their own lives.

The trouble started when on 26th October 1947, the Maharaja Harisingh the then Ruler of Jammu and Kashmir state, signed the Instrument of Accession after which the State of Jammu and Kashmir became integral part of India. This could not be digested by the Pakistan Government. They planned a nefarious design in connivance with the Pathans .This led to a secret agreement between Pakistan Government and Pathan mercenaries, according to which if Mirpur city was forcibly occupied, the captured women would be taken by the Pathans and the immovable land of Mirpur and movable properties viz gold,cash etc would be share of Pakistan Government. This was named as Zan and Zar Agreement. Before conducting the army attack the Pakistan Government in the first week of November 1947, managed in secret manner, to send a bag of pamphlets written in Urdu language, in the city of Mirpur, in which it was written that the Pakistan Government would assign a special status to Mirpur in Pakistan Government if the citizens of Mirpur amicably surrender themselves and allow the Pakistan army to occupy the territory of Mirpur without any hindrance. The literate and elderly persons of the city met in the evening and decided outrightly to reject the proposal of Pakistan Government and the refusal was conveyed through the showers of bullets from each defense picket of the city. This brought a terrible attack on Mirpur from the enemy.

The small and ill equipped state police force stationed at that time at Mirpur was fully assisted by the young civil population of the city. At the midnight of November 24,1947, under a thick cover of artillery shelling and brushing of grenades which are normally used during an openly declared war, the Pakistan army launched a major attack on the southern side of the city, which was spiritedly resisted by the depleting garrison force for six hours. Although the pickets held tough resistance, the enemy came in wave after wave and after six hours of ceaseless fighting, the defense line of the city was run over by the seven pathans..Alarmed by the most critical situation, the Flying Death Squads of the city engaged themselves madly in hand to hand fight with the infiltrators and killed all the seven pathans at the cost of life of many young men of Mirpur community. Though the people of Mirpur displayed tremendous grit and tenacity but the end seemed gloomy and dreadful because that operation brought the city stock of ammunition to nearly zero level. Further due to the irony fate, the old modeled wireless set installed in the police camp at Mirpur suddenly developed some technical defects and went out of order, which led to disruption in radio link with the State

Police Headquarters at Jammu and Government of India. Despite war like situation created by Pakistan the Government of India due to political rivalry between Pandit Jawahar Lal Nehru the then Prime Minister and the Maharaja Hari Singh of Jammu and Kashmir state, did not send army though at that time the Indian Army was station ar Jhanger which was at a distance of only 20 miles from Mirpur.

In that critical situation, the State Administration headed by Wazir e Wazarat at Mirpur decided clandestinely to retreat to Jammu leaving behind the hopless Civil population of the city to face the wrath of the marauders. In fact at that time it was the moral duty of the State Administration to ask the citizens of Mirpur to vacate the city and March towards Jammu under their protection but contrary to it, the Wazir Wazarat and police officers galloped their horses and left the city in the wee hours period November 25, even leaving behind their own wounded soldiers who were crying in pain of their wounding the Police Lines Hospital. This coward departure of the State Administration from Mirpur city, gave a jubilant signal to the enemy. At thT time whole population of the city of Mirpur felt themselves as hanging breathlessly in between the tight jaws of the enemy which was very eager to swallow the flesh and even the bones of the people of Mirpur who had refused out rightly to give shelter to thestani soldiers in the city of Mirpur.

Immediately after the departure of the State Administration from the city a fully armed Battalion of the Pakistan army assisted by Pathan raiders entered the city from all the sides at the stroke of 8.30 A.M and by creating terrible sounds from the war instruments, pushed the city population into one corner of the city. The terrified men, women, and children in utter chaos and confusion in the midst of heavy firing from all sides and in choking atmosphere due to smoke coming out of the burning houses of the city, scattered and marched in caravans in different directions with out knowing where they were going. They were intercepted by the enemy at various places and like hungry wolves they unleashed terror and brutal savagery which made the whole area an open graveyard of dead bodies and many unaccounted seriously wounded uncarred persons were battling for life in the whirl pool of their own blood. By the time of sunset, the whole area from Mirpur city to a hill foot was fully covered with dead bodies and critically injured persons. Ultimately, in the depleting evening, the nature by force had to display a signal through the darkness that the graveyard was full and no more entry of any dead body was possible. That brought the temporary stay in the day's atrocity.

This was not the end of the misery of the people of Mirpur. At night of the same day an ill-fated group of about 2000 captured persons was brought at a place known as "Kas Guma" a colony of retired Muslim soldiers .The enemy encircled the captives and asked them to surrender all the cash and jewelry which they had with them. Thereafter, the male persons were asked to remove their clothes and lie down in a row. They tortured brutally and killed in batches during the whole night. The women and girls were taken to unknown places by the Pathans as per their " Zen and Zar".Agreement with the Pakistan Government. Next day the enemy drove another group of about 2000 persons and brought them at a village known as "Thathal" .They also met the same brutal treatment as at " Kas Guma" during the day. Finally there was massacre at "Alibeg" where about 5000 captives were huddled up in an old deserted and unhygienic ruined Gurudwara building. In the beginning about 50 to 100 young men were daily taken on pick and choose basis to kill them in the open fields. Besides, on average basis about 15 to 20 aged captives died every day due to severe cold weather conditions, starvation, illness and mental shock.

On December 1st, a young Muslim Attorney named Mohammad Ibrahim being very soft in tongue and well known to many Hindu officers of Mirpur, visited the Alibeg prison and showed his lip sympathy to the intelligentsia who were brought there as captives an also shed his crocodiles tears on their pitiable condition and assured them that he would do his best to talk with the concerned authorities of the Government of Pakistan to get them employed in the factories on daily wage bastille they were at Ali beg camp as captives. He distributed Muslim caps and mufflers to some of them as a token of friendship, but those gestures were in fact subtle signals and indications of the Pakistani soldiers to kill those persons first. The next morning the enemy soldiers drove a Groupon educated people of the prison on the pretext that they would be taken back in the evening with earnings after utilizing their services in the factories during the day. Those wearing caps and mufflers proudly occupied the front line to get priorities in getting job in the factories but they never came back as they all were slaughtered on the Bank of Jhelum canal.

In the mid of January 1948, a tea of ICRC (International Committee of Red Cross) arrived there and took charge of the camp and supplied the needed food and medicines to the captives. On March 18, they managed to get the captives liberated in exchange of same number of Muslims who were in India and willing to go to Pakistan. The liberated

captives, at that time were not more than 1600 as the rest were either killed/ died or kidnapped. The liberated persons were mostly aged and even unable to walk. They reached Amritsar where they were given a tearful and heart touching reception by their relatives and the general public.

In the memory of Mirpur Martyrs of 1947, a Shaheedi Samark has been constructed by the Government of Jammu and Kashmir at a conspicuous place in the front of the main entry gate of the Government Medical College at Maheshpura Chowk Bakshinagar Jammu. The Jammu Development Authority dedicated the said Samarak to Mirpur Community which was unveiled Ms Sushma Chaudhary IAS the then Financial Commissioner on 25th November 1998. The said Samark is also the starting point of "Mirpur Road" which was named so, on the same day viz 25th November 1998 to pay tributes to the Martyrs of Mirpur, under the patronage of Lare S. Harassment Singh who at that time was the Chairman of the Legislative Council of the Jammu and Kashmir state.

On 25th November every year, thousands of Mirpuris residing in Jammu city and its peripheral colonies, March in Prabhat Pierre's coming from different sec of Jammu city and all assemble at the said MIRPUR SHAHEEDI SAMARAK to pay jointly, the rich tributes to the Martyrs of Mirpur who sacrificed their lives for the sake of their mother land as a result of which the Jammu and Kashmir state remained an integral part of India.

1952- 1953 Agitation of Praja Parishad

The extraordinary situation in Jammu and Kashmir state was the creation largely by Pandit Jawahar Lal Nehru's extraordinary act of unilateral ceasefire, perceived imminent danger in situation in Jammu and Kashmir in the face of blind faith of Pandit Nehru vested in Sheikh Mohammad Abdullah by extending unquestionable support to rule this state presumably in the hope of getting Sheikh's support for integration of the state with India but such appeasement policy proved to be fatal for the unification of Jammu and Kashmir with India, when Sheikh Mohammad Abdullah changed his colors by refusing to ratify the accession of the state with India on the floor of the Jammu and Kashmir Constituent Assembly a very spirit of the so called Delhi Agreement arrived at between Sheikh Mohammad Abdullah led National Conference and Pandit Jawahar Lal Nehru in 1952. as observed by Tathagata Roy in penning down A Complete Biography of Dr. SYAMA PRASHAD MOOKERJEE, under its chapter 10, Sheikh was no Indian, and had to be deposed and arrested. But all that came later. For the moment the Sheikh was enjoying himself tremendously and doing and saying pretty much what he pleased. Absolute power is said to corrupt absolutely, and the Sheikh was no exception. Very serious problems, as a result, began to develop in the state.

Dr. Samantha Prashad Mookerjee astutely observed two principal dimensions to the crises in the Jammu and Kashmir State, created by Pandit Nehru, one being stemmed from Sheikh Abdullah's pretensions to the independence of the state vis a vis India and another being the preferential treatment he gave to the Vale of Kashmir and Sunni Muslims as compared to the other parts of the state, principally the Jammu region, which he considered almost pariah. Jammu and the vale of Kashmir, were the two principal geographical regions in the part of the state under India's control, and some rivalry between the two was to be expected. Sheikh being total partial to the latter brought about the problem. The process had begun in 1948, after Pandit Nehru's unilateral cease fire. Sheikh Abdullah had been installed as Head of Emergency Administration by Maharaja Hari Singh while signing the Instrument of Accession. Immediately after assuming the change he addressed his first meeting with the government officers saying "Pakistan is not our enemy and we have the same respect for Jinah that we had previously. We want Kashmir issue to be settled by dialogue and if for this purpose I have to go to Karachi to meet Jinah I am willing to go there".

This single utterance set the time for his and party men's subsequent conduct, which became more and more belligerently anti-Indian, pro-Pakistani and anti-Dogras. The extent to which they went can be gauged by some of their subsequent speeches. On 24th March 1952, for example, Mirza Afzal Begh, the Revenue Minister in Sheikh Mohammad Abdullah's cabinet, declared in the State Constituent Assembly that "The Jammu and Kashmir State will be a Republic within the Indian Union.... So far as the Constitution of the State is concerned we aim at making the framework such that the State will be a Republic like other republics. According to our plan the State will have its own President, a separate National Assembly and a Judicial set up". This was soon followed by the pompous declaration on 29th March 1952, the state constituent Assembly by Sheikh Mohammad Abdullah himself, who had returned a few days earlier from Paris, where he had been sent by the Government of India as its delegate to the UNO, that "we are hundred percent sovereign bod. No country can put spokes in the wheels of our progress- neither India Parliament nor

any other Parliament outside the state has jurisdiction over us” He followed this up by more damaging speech of Ranbirsinghpura on 10th April in the course of which he said, “ Kashmir accession to India will have to be of restricted nature so long as communalism has a foothold on the soil of India” He called the arguments in favour of full accession to be ‘childish, unrealistic and savoring of lunacy’. And then he threw a fling on India by saying “ Many Kashmiris fear what will happen to them and their position, if for instance something happens to Pandit Nehru. We do not know. As realists, we Kashmiris have to make provision for all eventualities.

One of the first steps, Sheikh Abdullah took to establish his hegemony and that of his party over the whole state was to send Maharaja Hari Singh’s Last Prime Minister, Justice Mehar Chand Mahajan packing away from Jammu to Delhi. He assumed ch, with Nehru's support and consent as Prime Minister of Jammu and Kashmir on 5th March 1948, not as Chief Minister, like other any other state. Abdullah's party, the Jammu and Kashmir National Conference, passed a resolution on October 27, 1950 for setting up a Constituent Assembly for the State, to be constituted of elected representatives of the people of the state.

Although the Constituent Assembly of India had accomplished its obligations by giving the nation its Constitution on 26 November 1949 by enforcement of the same from 26th January 1950, but the Constituent Assembly of Jammu and Kashmir state remained busy in trying to give this state its own Constitution. Sheikh Mohammad Abdullah stepped further by issuance of his order by which the flag of Sheikh's party, the Jammu and Kashmir National Conference instead of National tricolor, ordered to fly atop of all government buildings. Thus by 1952, the Indian nation, of whom the Jammu and Kashmir state was an integral part, had inducted two Prime Ministers viz Pandit Nehru and Sheikh Mohammad Abdullah, two Head of State, viz the President of the Republic of India and the Sadar -i- Riyasat of Jammu and Kashmir, two Constitutions one the Constitution of India and another of unfinished Constitution of Jammu and Kashmir State, and two flags, viz tricolour and Red with plugs. That was the reason the Jammu and Kashmir Praja Parishad launched agitation protesting such mockery sloganeerings Ek Desh Mein Do Vidhan, Do Radhan aur Do Noshan Nahin Challenge”.

It was not only the then Director of the Intelligence Bureau of India, B.N. Malik only who was deputed by Pandit Nehru himself reporting the unconcealed dislikes bordering on hatred for the Jammu Dog but also by the then Sadar -i- Riyasat of the state, Dr Karan Singh brought on record in his Autobiography the Praja Parishad agitation “ Their slogan of complete integration of the State with India was expressed in rallying cry ‘ Ek Vidhan ,Ek Nishan, Ek Pardhan’.(one Constitution, one flag, and one President). This agitation gathered momentum over the next few months as it effectively capitalized upon the sense of outrage felt by the Dogras not only at having lost their predominant position in the state but also in having at one stroke being placed of their arch enemy, Sheikh Abdullah. The Sheikh, for his part, not only made no effort to modify the feelings of the Jammu people, but continued with his hostile and aggressive attitude. An example was the question of the flag to be found on the Jammu Secretariat. The old state flag having been hauled down, I had suggested to the Government that along with new flag, the National Flag should also be hosted. This was sharply turned down by the Sheikh, so I in turn declined the suggestion that I should personally hoist the new flag.”

The anti- Dogra harassment by the National Conference reached a pitch by early 1952. Students of the Government Gandhi Memorial School Jammu, protested against the compulsion to salute the National Conference party flag at an official function and were harshly treated. College students of Jammu in protest went on strike. The National Conference took advantage of this, clamped an eighty two hours curfew on Jammu city and arrested Pandit Prem Nath Dogra. News of these going on trickled outside the state and whole of the country began to take notice and gradually coming to the conclusion that all was not well with Kashmir under Sheikh Abdullah, that he was trying to bite the hand that fed him

This was of course, quiet contrary to the impression that Pandit Nehru's Government had so far tried to convey to the country, and in particular tried to get around it by making Praja Parishad the scapegoat.

The main incidents of Praja Parishad agitation worth noticing are briefed hereunder;

Lathi Charge on Praja Parishad Activists in Jammu in January 1952

It was on January 15th, 1953, Sheikh Mohammad Abdullah came to Jammu where he spoke at an official function at Gandhi Memorial College, during which he hosted his party flag by asking the students to salute the same. When said students objected the same, they were severely penalized. In protest of such dictatorial behavior of Sheikh Abdullah's regime, the students went on hunger strike by demanding revocation of its inhumane and undemocratic order. The brave

students underwent 38 days' hunger strike for the dignity of our national flag were Sarvshri Vishav Paul, Tilak Raj Sharma, Capt Ram Saroop, Ved Parkash Chauhan, Om Parkash Gupta, Hari Saran Sharma, Dataram Nath Gupta, Hardev Sharma, Ram Saroop Gupta, Gian Chand Sanotra, Kewal Krishan Sharma, Ram Mohan Katyal, Ved Mitter Gandotra, Hansraj Sharma, Kuldip Raj Verma, Ram Nath Sharma and Inderjeet besides Professor Chaman Lal Gupta. On February 8th 1952, a huge procession was taken out in Jammu by the residents of Jammu to express solidarity with the students. The people spontaneously joining the protest, sent chock waves to Sheikh Mohammad Abdullah administration though it retaliated in the manner only as it previously resorted to. The army was called in and 72 hours curfew was imposed. All that goes to display, that Delhi Government had Sanction for such oppressive conduct of State machinery. Although the agitating students were released but Praja Parishad leaders including Pandit Prem Nath Dogra were arrested. In the wake of such a strong movement, having no sign to curb, Pandit Jawahar Lal Nehru rushed his confident aid N. Gopala Swamy Ayyangar in April 1952 to bring a peace. The Praja Parishad leaders were released under pressure but Sheikh Mohammad Abdullah was incensed. He felt that Pandit Nehru had let him down, thus made attempts to distance Jammu and Kashmir from rest of the country.

On 8th February 1952, Pandit Prem Nath Dogra, being President of All Jammu and Kashmir Praja Parishad made a statement read as, "Praja Parishad circles are shocked to read the Government Press Note dated 8th February 1952, under its last para, the Government has charged that the demonstrations by the students of the college and schools, both boys and girls are inspired by the Praja Parishad organization which wants openly to subvert authority and bring into existence chaotic condition in the state.

This is mere travesty of facts and intended to bring into disrepute the only opposition party in the state. The true facts are that the Parishad has all along extended fullest cooperation to the Government and has never done anything subversive to the authority. The Praja Parishad is out and out for bringing in harmonious and peaceful conditions in the state and welding together all dissident elements. It's probably India stand is the only cause of the cold war that is being waged against it by the Party in powers. In spite of giving many provocative speeches and statements issued by the Government, the Parishad never deviated from its peaceful path.

I want to make it known to the public and Government that my organization has no hand in the students movement and it keeps aloof all the time. The Parishad with all the emphasis at its command demands that an independent commission may be appointed to enquire into the false and unfounded accusations levelled against it. To prove the bona-fides of the Government against the Jammu people, the recent utterances of the Hon'ble Deputy Prime Minister before the respectable citizens of Jammu on the 7th February 1952 should serve as a pointer. Therein he openly threatened the Jammu people that he would destroy the country lock stock and barrel and make it over to Pakistan. "

Resolution. Passed By The Working Committee Of Praja Parishad on 25th February 1952 at Pathankot.

The Jammu and Kashmir Praja Parishad during the past four years of its existence as the only party in opposition in the state has successfully worked for creating political awakening in the people particularly those living in Jammu Province who are comparatively backward because no political party had worked among them before the Praja Parishad. It stands for progressive economic programme, abroad and non-sectarian social and close integration of the whole of the state with India like all other acceding states. It wants full application of the Constitution of India to the State and is opposed to the semi-independent State for which the party in power has been working.

The Patriotic and pro-India stand of the Parishad made it suspect in the eyes of the party in power. It has been trying to suppress Praja Parishad in different ways. The leaders of the Parishad were arrested, detained without trial early in 1949 and were not released until the Praja Parishad launched a mass Satyagraha movement. The Praja Sabha was forced to boycott the elections to the Constituent Assembly by rejecting 44 out of nominations papers filed by Praja Parishad nominees on most film grounds. To keep the voice of Praja Parishad out of the Indian Parliament it plans to nominate the state representatives to the Indian Parliament instead of holding elections for the purpose. The Praja Parishad has been corresponding with the Government of India on the question of elections of the State representatives to the Parliament. It was as it should educate public opinion in the state as well in favour of election of the State representatives for Parliament instead of nomination. All this way being done by the Parishad in the most peaceful and Constitutional manner.

The Praja Parishad had nothing to do whatsoever with the present happenings in Jammu, which began on the 15th of January when the students of local Government College protested against the hosting of the party flag of the National Conference along with the National Tricolor, its leaders and workers kept themselves aloof. As citizens some of the leaders of the Praja Parishad did lend their helping hand the authorities to end the students' agitation. The even succeeded in evolving an agreed compromise formula, which was approved by the Deputy Commissioner of Jammu and other authorities on 6th February but Bakshi Ghulam Mohammad the Deputy Prime Minister who returned to Jammu the same day torpedoed the efforts of citizens and rejected the compromise formula evolved by them. That created a consternation among the students and relatives of the striking students and resulted in the demonstration of 8th February which was crudely led by the authorities.

The way the Jammu and Kashmir Government has exploited the situation to suppress Praja Parishad is no secret now. It let loose a reign of terror on the people of Jammu. Scores of men and women workers and sympathizers of Praja Parishad including our President Pandit Prem Nath Dogra have been arrested and detained without trial. Warrants of arrests or externment orders have been issued against hundreds of others. All this, the Praja Parishad is convinced, has been done with a set plan to crush the Parishad. The ban imposed on the 'Milap' and 'Partap' Urdu Dailys of Delhi most widely circulated in the State and which voiced the feeling of the people of Jammu is an additional proof of it.

Praja Parishad Working Committee strongly condemns these most undemocratic and fascist method of the Jammu and Kashmir Government. It challenges the Government to place any evidence it has against the Parishad before any court of law. It demands from the Government to institute an independent enquiry committee to look into the happenings of Jammu release of Praja Parishad leaders, to cancel warrants of arrest against others and remove ban on the entry of Milap and Partap (news papers) in the state

The committee (Working Committee of Praja Parishad) also prays to the Government of India to take realistic view of the situation of Jammu. Parishad is a friend of India, a better friend we claim than the National Conference. It espouses the cause which is dear to every Indian today. The Government must protect and respect the legitimate rights and aspirations of the people of the Jammu and not ride roughshod over them to appease the party in power. The committee further takes the opportunity to thank the public and press of India who have sympathized with the just and patriotic cause of the Parishad and hopes that the Indian public will continue to extend its helping hand to the Parishad in the achievement of its patriotic objectives of making the Jammu and Kashmir State one with India exactly like the other acceding states.

Highlights of Indian Press To Aforesaid Movement.

The Tribune dated 11th February 1952

A 72 hour curfew was imposed on Jammu following the unruly demonstration by what has been described violent crowd of 2000 demonstrators who tried to force demonstration their way into secretariat was staged on Friday on a small scale inside local college as a protest against imposition of fire on two students is reported to have culminated to a procession towards the secretariat in defiance of the District Magistrate's order banning meetings and processions. In the way go, the report says, the demonstrators among whom were also women, attacked police officers and men on duty, and on reaching the secretariat they indulged open lawlessness. The police made two lathi charges and fired two rounds to disperse the Mob and bring the situation under control. Ghulam Mohammad Bakshi Deputy Premier of Jammu and Kashmir has stated that it was an organized attempt on the part of Praja Parishad to subvert authority and create confusion in the state. The Government according to him is holding enquiries into Friday's incidents and will make the findings public at the proper time. The press communique issued by the State Information Bureau and the statement of the Jammu District Magistrate shows that the trouble was brewing over since January 15 when 10 to 15 students in the Government College in Jammu demonstrated against the National Flag alongside the Indian Union Flag. Some of the student demonstrators were punished with fines. The District Magistrate alleges that large crowd of students mobbed the cinema hall in an attempt to force the admission at concessional rates and that in consequence he had to impose a ban on meetings and processions. If all the acts released by the Government are correct the Praja Parishad stands condemned. No Government will and can spare an organization which resorts to or instigated violence to attain its objectives. A spokesman of Praja Parishad leaders of which are now under arrest has however denied that the Praja Parishad had anything to do with the demonstrations. The allegation that Praja Parishad had

organized demonstrations is a travesty of facts and intended to bring into disrepute the only opposition in the state. Mere assertion on one side and denials on the other does not lead to any positive conclusion, especially when the question of law and order is concerned. In the circumstances the only way to reach the truth is to hold an independent, impartial enquiry into the whole affair. According to Bakshi Ghulam Mohammad. The Jammu and Kashmir Government was in possession of the pre arranged plans of certain political parties of the state aimed to subvert authority and bring about state of confusion.. That is all the more reason why an enquiry should be ordered. Once such an enquiry establishes the fact that the Praja Parishad had deliberately incited the forces of lawlessness and that it wanted to subvert authority by resorting to violence it will be discredited for all times to come and will lose whatever support it has.

Hindustan Standard Dated 10th February 1952.

If the Parishad has been at the back of deplorable happenings in Jammu city, with an intent to subvert authority and create chaos in the state, it deserves the strongest condemnations. In the interest of security to Kashmir, in which the whole of India is vitally concerned, the serious changes made against the Parishad should be fully investigated and if it is found true, suitable action should be taken. The question of proof however remains. We hope the Government of Jammu and Kashmir as well that of India will publish the evidence in possession to establish the charge as true. That publicity will itself be corrective. Things hatched and hurled in the darkness of the secrecy usually fade within the sunlight of publicity. And the earlier it is done, the better.

National Herald Dated 12th February 1952

The Parishad has denied having anything to do with the demonstrations and demanded impartial enquiry into the false and unfounded allegations leveled against it. Subject to the demands of security a thorough enquiry is called for and that there a prearranged plan to confusion in the state and if the statement of the Principal of the Government Gandhi Memorial College about Parishad workers having taken active interest in the students' agitation is based on the Government will be strengthening its own position by ordering such an enquiry.

Searchlight.Patns Dated 13th February 1952

The disturbances in Jammu city on Friday last which necessitated lathi charge by the police and calling in of 72 hours curfew was unfortunate. According to a press note issued by the Government of Jammu and Kashmir, the demonstrations were organized by the Praja Parishad, but a leader of the later organization has categorically denied by charge. Whosoever inspired and organized the violent demonstration, did the state no good

One wonders if communists had not hand in misleading the students. An enquiry into the incident should unravel the mystery.

Amrit Bazar Patrika Dated 13th February 1952.

The disturbances according to the press note recently issued by the Kashmir Government were organized and inspired by the Praja Parishad which wants to subvert authority and bring into existence chaotic condition in the state. Several leaders of Praja Parishad including its President have since been arrested and Bakshi Ghulam Mohammad Deputy Premier of Kashmir has expressed his firm determination to maintain law and order in the state. But why do the Praja Parishad and its political association create conditions in the state? What are their grievances? What are their political aims and plans? If they have been indulging in the subversive activities to gain their political ends, have the precautionary measures taken by the Government of Jammu and Kashmir, to keep them in check in future. No light has been thrown in these matters till now either by the authority of the Kashmir Government or bank spokesman of the Parishad. It is therefore only logical to expect that an adequate explanation will soon be forthcoming from the State Government.

Parliament statements on Praja Parishad in 1952. Relating Praja Parishad Movement.

Shri Shibban Lal Saxena's Speech in The Parliament On 3rd March 1952.

It has been tried to be made out that if was a, movement without support. But the admission that a thousand Hindu ladies took part in the protest procession apart thousands of other people also took part. That fact the Indian military

had to be called in to control the situation, shows that the movement had a large public appeal behind it. There is therefore clear case for a public enquiry to discover the truth. I hope Sheikh Abdullah will appoint committee which will inspire confidence and will see that such things do not happen again. I had hoped that he would set standards which other people should Follow. I am disappointed. If such things had happened in our Indian provinces, the whole country would be shaken. I expect that in Jammu he will try to deal with the situation with tact and intelligence and see that the present tangle is soon resolved.

Shri H.V.Kamath's Statement in the Parliament on Jammu Affairs on 3rd March 1952.

My Hon'ble friend Prof. Shibben Lal Sakesna has referred to Jammu and Kashmir and I would not repeat the points that he has made out. But I would certainly say that I hope that our troops and armies in Jammu and Kashmir will not in any way lend themselves to be used or exploited for the Suppression or for dealing with the internal disturbances in Jammu and Kashmir. And I would like to say, before I close, that It is rather a paradox that the Praja Parishad of Kashmir which stands for the complete integration of Kashmir with India and even the abolition or deletion of Article 370 from the Constitution should be looked down upon as a hostile body

Communal Speech of Sheikh Mohammad Abdullah Delivered at Ranbir Singh Pura On April 10th 1952, Disputing The Varsity of Accession of the State of Jammu and Kashmir With India.

In no holds barred speech at Ranbirsinghpura on April 10th, 1952, Sheikh Mohammad Abdullah mocked the Union and expressed misgivings about the utility of Jammu and Kashmir continued association with India, accusing "powerful sections" of polling trying to establish a "Hindu Raj". The speech was clearly aimed at rousing communal, passions among his Constituents both in the valley and in Jammu. Derisively characterizing the demand for the full applicability of Indian Constitution to Jammu and Kashmir as "unrealistic, childish and savoring on lunacy", he thundered. "Many Kashmiris are apprehensive as to what will happen to them and their position if, for instance, something happens to Pandit Nehru". The cat was out of the bag- Sheikh Abdullah's politics were dependent on Nehru's support.

Release of Pandit Prem Nath Dogra from Jail, And His Statement Issued After His Release On 12th April 1952.

The Jammu College boys' hunger strike has come and gone, but the trail it has left behind has been rather acrimonious. The Government issued a press communique on 8th February last, justifying the extraordinary measures to suppress the students agitation wherein the Praja Parishad was implicated and accused of "subverting authority" a not uncommon shibboleth copied from the British Masters in India and "inspiring the students to violence" an unwarranted and unsubstantiated charge. I at once contradicted the Government's allegations and demanded an open, impartial, and independent commission of enquiry to punish the guilty, but instead I was arrested with my colleagues that very night under the dark cover of 79 hours curfew clamped in the city. After full two months' detention in the icy cold cells of Srinagar Jail, I have now been released, but still I find that all the armrests comrades have been set at liberty.

The present arrests have, however, confirmed the impression that the Government claiming to be representative of democracy, arrests people, detains them in jail for undefined period without trials and resorts to the undesirable restrictions on the liberty of the people. This is no democracy. Everyone in the state holding a political opinion different from that of the party in power but in no way anti national, is unsafe in the present regime, in the state of affairs which does not add the fair name of the Government

My arrest was made at the time when I was in correspondence with the President of the Indian Union in the matter of choosing members for the Indian Parliament from the State of Jammu and Kashmir by election like other Part-B States of Hyderabad and Mysore etc, and not by nomination as has now been done. Persons of unrepresentative character have been elected in defiance of the people's genuine demand. The general feeling among the public has been that these unjustified arrests were simply reported to gag the popular voice and suppress opposition constitutionally started by the Praja Parishad. It is no tall talk that Praja Parishad for unequivocal and complete Accession to India with full application of the Indian Constitution and of the jurisdiction of the Supreme Court of India to the State. Everyone in the State has been simply disappointed and shocked at the speeches of Sheikh Abdullah and his Revenue Minister Mr. Beg declaring that the State is independent in all respects and that the Constituent Assembly, their party is sovereign

for all purposes even to the extent of making the State a “ Republic within a Republic “ . The position taken by these two leaders of the National Conference is not only unpatriotic but a challenge to the very Government of India of uncertainty from the economic starvation on the other hand and to the Union of India to which we claim from the house setups to have acceded.. It bespeaks ingratitude which no citizen of Kashmit would endorse. I and my party want to reiterate in clear terms that our State has acceded to India for all matters and if any attempt is made to restrict or limit the full accession by continuing the unwanted Article 370 in the Constitution of India, we shall not hesitate to offer any sacrifice to resist it.

In the interest of India and the State, I would respectfully urge the President of the Indian Union;

- (i) To appoint an independent commission to enquire into the recent College Boys’ hunger strike and the Government's charge of Praja Parishad's hand therein, as also the unwarranted and vindictive measures taken by the Government.
- (ii). To have the unwanted Article 370 deleted from the Constitution of 4 so as to extend the full benefits of the said Constitution to the people of the State of Jammu and Kashmir together with the jurisdiction of the Supreme Court.
- (iii) To cancel the nominations of 10 members from the State to the Indian Parliament and order their election like other Part B States.
- (iv) To issue a directive to the Government of the State that all talk of a “Republic within a Republic “ is unconstitutional and that no member of Government party, or individual should indulge in such irresponsible declarations which are circulated to strengthen the enemy's hands when the fate of the state is hanging in the balance and
- (iv). To order appropriate measures being taken by the Government of India to grant an equal status to the people of the State with the people of India, and remove unwanted and restricted barriers of customs.

In the end, I want to thank my country men who despite of grave and extreme character have given proofs of their tolerance and patience, by silently bearing the vagaries of the Government in power, I assure them that the Praja Parishad will not rest content until it attains the cherish goal for which it considers no cost the high and no sacrifice too great and expect every true citizen of the state to offer and lend it his or her support unstinted and sincere.

Before closing I would like to sound a note of friendly warning to the Government that they should behave as true servants of the people and not get puffed up with the power to suppress their legitimate aspirations by resorting to tactics once employed by foreign Government of India.

Delhi Agreement Between Nehru and Sheikh Government, And Abolition Of Monarchy.

Faced with a barrage of criticism on 15th April 1952, Nehru was forced to mildly deplore the “tone” of Sheikh Abdullah's speech. But was never willing to bail his friend out of a sticky situation of his own making, he blamed the Praja Parishad. Emboldened by Nehru's action, Sheikh Abdullah proceeded with setting up the apparatus of his despotic rule.

On June 10th 1952, Sheikh Mohammad Abdullah without counseling New Delhi and as Chairman of the basic principles committee of the Jammu and Kashmir Constituent Assembly, presented an interim report recommending the abolition of monarchy and election of a head of the state to be called “ Sadar- e- Riyasat . Two days later, the recommendation was unanimously accepted, and the Drafting Committee was asked to submit a proposal within a month. Days before taking the decision, the Constituent Assembly had unilaterally adopted a new state flag replacing the old standard.

On June 1952, alarmed by these decisions which were fast alienating the State from India and leading to creation of Sheikh Mohammad Abdullah's freedom, the Praja Parishad presented the President with memorandum, demanding the application of The Constitution of India to Jammu and Kashmir, jurisdiction of the Supreme Court, jurisdiction of Election Commission of India, extension of Fundamental Rights to the people of Jammu and Kashmir state and the right to fly the National Tricolour.

On June 26th 1952 a huge demonstration was organized by the Praja Parishad outside the Parliament of India to press the demands. Inside the house, Pandit Nehru was pillaged by members for his myopic policies and favouring Sheikh Mohammad Abdullah. N.C.Chatterji the Member of Lok Sabha ridiculed the idea of a “ republic within republic “ while Dr. Syama Prasad Mukerjee categorically asserted that notwithstanding Nehru Claims to the contrary, Sheikh Mohammad Abdullah was neither impartial nor secular Nehru found going tough but

usual, sought to lay the blame elsewhere. He blamed the Maharaja and the U N for trouble in Jammu and Kashmir and insisted that the State's accession was complete “ although it is limited to three subjects “

Delhi Agreement

It was on July 12, 1952, a delegation of National Conference, (the Party in power in the state of Jammu and Kashmir) headed by its Revenue Minister of the time, Mirza Afzal Begh proceeded to Delhi on the invitation of Pandit Jawahar Lal Nehru, the then Prime Minister of India, for talks related to the future constitutional affairs of the State of Jammu and Kashmir (notably to go ahead with the process of secession and Constitutional independence to Sheikh Mohammad Abdullah regime later proved to be suicidal or antinational with serious repercussions and detrimental to the interests of Indian Patriotism). Such talks went on till 20th July. From July 16th 1952 to 23rd July the discussions between Sheikh Mohammad Abdullah and Pandit Jawahar Lal were held under camera.

Briefly the Delhi Agreement covered very vital ten points proved fatal to the future of the people of India in general and the people of Jammu and Kashmir state in particular.

It was agreed that the residuary powers would continue to vest in the State of Jammu and Kashmir as provided in Article 370 (despite such provisions being temporary, transitional and conceptually adhoc in nature) , within the ambit of Indian citizenship, the state legislature would have the power to regulate the rights and privileges of permanent residents or “ State subjects “ as defined in a 1927 State order , the fundamental rights chapter of the Indian Constitution be applied to the state with modifications and exceptions such as enabling transfer of land to the tillers without payment of compensation, jurisdiction of the Supreme Court would extend to the state; the State flag would not be a rival to the national tricolour which would occupy a supremely distinctive place in the state., the power to grant reprieve and commute sentences would vest in the President of India, with the abolition of hereditary rulership, the Head of the State of Jammu and Kashmir shall be recognized by the President of India on the recommendations of the Legislative Assembly of the State, a financial arrangement between the State and the Union be evolved, with regard to emergency powers ,Article 352 be modified to provide for the promulgation in case of external aggression but in case of internal disturbances only at the request of or with the concurrence of the State Government and the Election Commission will conduct elections to Parliament and to the offices of President and Vice President.

During the course of negotiations as had become necessary after the presentation of the interim report of the Basic Principles Committee in the circumstances referred to herein before, certain agreements were arrived at, details of which were placed before the House by Jenab Sheikh Sahib on 11th August 1952. He said;

“ The Government of India held the view that the fact that Jammu and Kashmir State was the Constituent Unit of the Union of India led inevitably to certain consequences in regard to certain matters, namely (a) Residuals Powers (b) Citizenship (c) Fundamental Rights (d) Supreme Court (e) National Flag (f) The President of India (g) The Heads-up of the State (h) Financial Integration (i) Emergency Provisions, and (j) conduct of Election to the Houses of Parliament “. Sheikh Sahib informed the House about the agreement arrived at in respect of each of them as follows;

Residuary Powers

It was agreed that while under the present Indian Constitution, the Residuary Powers vested with the center in respect of all States other than Jammu and Kashmir, in the case of our State they vested in the State itself and should continue as such. In this regard, Sheikh Sahib observed as follows, ;

“ We have always held that the ultimate source of sovereignty resides in the people. It is, therefore, from the people that all powers can flow. Under these circumstances, it is upto the people of Kashmir through this Assembly to transfer more powers for mutual advantage to the custody of the Union/ Centre”.

Citizenship

In this connection Sheikh Mohammad Abdullah informed the Assembly;

“ it was agreed that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in the Jammu and Kashmir State shall be citizens of India. It was further agreed that the State Legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to acquisition of immovable property ,appointment to service and like matters. Till then the existing State law would apply. “

“ It was also agreed that special provisions will be made in the laws governing citizenship to provide for the return of those permanent residents of Jammu and Kashmir state who went to Pakistan in connection with the disturbances of 1947 or in fear of them as well as of those who have left for Pakistan earlier but could not return. If they return they should be entitled to the rights, privileges and obligations of citizenship. “

Indicating the special reasons for the protection of State Subjects, he said as follows,

“Hon'ble Members are perhaps aware that in the late twenties people of Jammu and Kashmir agitated for the protection of their bona-fide rights against the superior competing interests of the nonresident of the State. It was in response to this popular decision that the Government of the day promulgated a Notification in 1927 by which a strict definition of the term “ State Subject “ was provided , I am glad to say that Government of India appreciated the need for such a safeguard “.

Fundamental Rights

In this regard, Sheikh Sahib observed as follows;

“ It is obvious that while our Constitution is being framed, the fundamental rights and duties of a citizen have necessarily got to be defined. It was agreed, however, that Fundamental Rights, which are contained in the Constitution of India could not be conferred on the residents of Jammu and Kashmir State in their entirety taking into account the economic, social and political character of our movement as enunciated in the New Kashmir Plan. The need for providing suitable modifications, amendments and exceptions as the case may be in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted. “

The main point, Sheikh Sahib indicated, that remained to be determined was whether the chapter of Fundamental Rights should form part of the Constitution of Jammu and Kashmir or that of the Union Constitution. On this respect there was no agreement.

Supreme Court

It was agreed that Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that Supreme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State. It was recommended on behalf of the Government of India that the Advisory Board in the State, designated S “ His Highness 's Board of Judicial Advisors “ should be abolished and the jurisdiction exercised by it should be vested in the Supreme Court of India. The State Government felt that this would need a detailed examination and consequently it was agreed that it should have time to consider it further.

National Flag

For historical and other reasons connected with the freedom struggle in the state, the need for the continuance of the state flag was recognized. It was agreed that the Union Flag in which all owed allegiance as part of the Union, will occupy supremely distinctive place in the State.

President of India

It was decided that powers to grant reprieve and commute death sentences should also belong to the President of the Union.

Head of The State

The Government of India appreciated the principle proposed by the Basic Principles Committee as adopted by the Assembly in regard to the abolition of the hereditary rulership of the State. The following arrangement was mutually agreed upon in this regard;

- (i) “ The Head of the State shall be the person recognized by the President of the Union on the recommendation of the Legislature of the State.
- (ii) He shall hold office during the pleasure of the President.
- (iii) He may, by writing under his hand addressed to the President, resign his office.
- (iv) subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he enters upon his office).

Financial Integration

It was recognized that while it would be necessary to evolve some sort of financial arrangement between the State and the Union, in view of the far reaching consequences involved therein, it was agreed that a detailed examination of the subject would be necessary before doing that.

Emergency Powers

On behalf of the Government of India, it was stated that Article 352 of the constitution was necessary as it related to vital matters affecting the security of the state. The Government of India did not press for application of Article 355 or even 360. Item 1 in the Seventh Schedule relating to the defense of India applied and the Government of India would have full authority to take any steps in connection with defence etc. The State representatives indicated that they were averse to internal disturbance being referred to in this connection as even petty internal disorder might be considered sufficient for application of Article 352. To meet the state's point of view it was therefore decided that Article 352 might be accepted with addition of the following words as the end of the first paragraph;

“But in regard to internal disturbance at the request or with the concurrence of the Government of the State.”

It was also agreed that the whole matter of application of Article 353,354,358 and 359 will be further examined.

Conduct of Elections To The Houses Of Parliament

Article 324 of the Indian Constitution was already applicable so far it relates to elections to Parliament and to the offices of the President and Vice President of India.

This is how the leader of the Constituent Assembly, Sheikh Mohammad Abdullah, introduced the Delhi Agreement to the Assembly which was adopted unanimously on 19th August, 1952.

Consequent thereupon, the Drafting Committee of the Constituent Assembly formed to work out and prepare proposals regarding termination of the hereditary rulership in the State presented its report.

Resolution for adoption by the house was introduced in the following words;

“ Now therefore, in pursuance of the resolution dated 12th June 1952, and having considered the report of the Drafting Committee, the Assembly resolves:

(I) that the Head of the State shall be the person recognized by the President of the Union on the recommendations of the Legislative Assembly of the State;

(ii) he shall hold office during the Pleasure of the President;

(iii) he may, by writing in his hand, addressed to the Pres, resign his office;

(iv) subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he entered upon his office;

That the recommendation of Legislative Assembly of the State in respect of the recognition of the Head of the State specified in sub. Para (i) of Paragraph 1, shall be made by election;

That the method of election to, qualifications for and all other matters pertaining to the office of the Head of the State shall be prescribed in the Constitution, and until these are prescribed, shall be as set out in the rules contained in the Schedule annexed to this resolution;

That the Head of the State shall be designated as Sadar- i- Riyasat;

That the Sadar-i- Riyasat shall be entitled to such emoluments, allowances and privileges as may be prescribed in the constitution and pending the framing of the constitution to such emoluments, allowances and privileges as may be decided by this Assembly by separate resolution;

That the Sadar-i- Riyasat shall exercise powers and perform such functions as may be prescribed in the Constitution to be framed by this Constituent Assembly, and until such Constitution is framed, he shall exercise such powers and perform such functions as have hitherto been by His Highness under Jammu and Kashmir Constitution Act Svt 1996 as amended by Act No. XVII of Svt 2008.

That in the event of the occurrence of a casual vacancy in the office of the Sadar-i- Riyasat by reasons of his death, resignation or otherwise, the power and function exercise the Sadr-i-Riyasat shall, until the assumption of office by the newly elected Sadr-i-Riyasat in accordance with the procedure laid down in this resolution, be executed and performed by the person recommended by the State Government for recognition as officiating Sadr-i-Riyasat to the President of India; and

That this Assembly shall in due course provide a suitable remedy in respect of violation of the Constitution or gross misconduct by the person for the time being holding the office of the Sadr-i- Riyasat..”

Observation of the President of India

Under letter dated 6th September 1952, Dr. Rajendra Prashad, the then President of India had sent a note to Pandit Jawahar Lal Nehru the then Prime Minister of India, the contents of letter and note are reproduced hereunder;

Contents of letter dated 6th September 1952

“My dear Prime Minister,

When you last saw me, I promised to send you a note on the legal and Constitutional aspect of the proposal to substitute a system of elected head of the Jammu and Kashmir State in place of the existing Rajpramukh. I now enclose a note for your consideration. In view of this complexity and importance of the issue, involved, I have no doubt that the Attorney General and the Law Minister will be consulted.

I have received a memorial from the Maharaja, a copy of which, I understand, has also been received by you. Presumably, the Minister for States has also received a copy. I shall be glad in due course to have the comments of yourself and Minister for States on this memorial.

I am leaving Simla on the morning of Sunday 7th September for places in the interior of Himachal Pradesh, but will be back by the evening of Tuesday 9th September.

I am sending copies of this letter with enclosure to the Ministers for Education, Defence and States.”

Contents of Note Being Enclosure To The Aforesaid Letter

“The Prime Minister of Jammu and Kashmir has forwarded a copy of the. Resolution of the Constituent Assembly of Jammu and Kashmir State relating to the substitution of a system of elected Head of the State in place of Rajaparmukh as at present with a request to the Government of India to take action to enable being to resolution. Alongwith the resolution two draft notifications to be issued by the President, one under clause (1) of that Article, have also been received. The former draft involves amendment of a provision of the Constitution of India and the latter contemplates a modification of two other provisions of the Constitution in its application to the State of Jammu and Kashmir. The proposal raises questions of considerable importance concerning the Constitutional scope of the proposed notifications and also about the competence of the President to have repeated recourse to the extraordinary powers conferred on him by the Article in question.

Before I take up this question, it is very necessary to know whether any step are being taken to amend the present constitution of the State of Jammu and Kashmir. It appears from the paragraph 6of the resolution that there is already in existence the Jammu and Kashmir Constitution Act of 1996, which has been amended by Act No XVII of 2008. Under the Constitution the Maharaja is presumably the Head of the State, and it would be obviously be necessary, as a first step to amend the constitution if it is decided to give immediate effect to the proposal now under consideration. Not having a copy of the Jammu and Kashmir Constitution Act, I am not In a position to say whether provision exists in that Constitution for its amendment, but inasmuch as it has been amended as recently as the Hindy year 2008. I believe such provision does exist. I suggest that this question needs looking into.

The first draft notification enclosed with the letter of the Prime Minister of Jammu and Kashmir purports to be issued under clause (3) of Article 370.this clause is of a peculiar and exceptional nature in as much as it authorizes amendment of Constitution by an executive act of the Government of India as distinguished from Parliament. The Constitution of India.contemplates and lays down apart from this article two methods of its amendment. An amendment proper of this Constitution can be effected by the special procedure laid down in Article 368. There are certain other provisions in the Constitution in regard to which it is specially and specifically laid down that Parliament by ordinary legislation, can effect changes. In both these cases, it is Parliament alone which can effect changes. In both these cases it is the Parliament alone which can effect amendment. In the first case, even the power of Parliament to amend the constitution is limited in as much as it can do only if the special procedure in Article 368 is followed. In the second group of cases the Parliament is left free to pass legislation which may amount to amendment of the constitution laid down. Nowhere else, as far as I can see is there any provision authorizing the executive Government to make amendment in the

constitution, the temporarily provisions contained in the Article 391 and 392 have come to an end. There can be no doubt that Article 370 and particularly clause (3) thereof, is of exceptional nature. While it safeguards in clause (2) the right of the Constituent Assembly of the Jammu and Kashmir to revise or annul any action taken by the Government of that State in giving concurrence under clause i(b)(ii) and the second proviso to clause 1(d) of Article 370, it excludes altogether the Parliament of India from having any say regarding the Constitution of Jammu and Kashmir and place full powers in the hands of the government including the power to amend the constitution of India. It is therefore, necessary to examine the wording of this peculiar clause with some care for a correct appreciation of the comprehensive terms that:

“Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date he may specify;

“Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a Notification “

Clause (1) of this Article lays down that;

The provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir

That the power of the Parliament to make laws for the said State shall be limited to;

(i) those matters in the Union list and the concurrent list which, in consultation with the Government of State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the state to the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said lists as with the concurrence of the Government of the State, the President may by order specify.

Then follows explanation of the “Government of the State “ namely, the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice under the Maharaja's proclamation dated the fifth day of March 1948.

The Article proceeds further to lay down in Paragraph (c) and (d) of clause (1) that the provisions of Article and of Article shall apply in relation to that State; and That such of the other provisions of the Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify; Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (1) of sub. Clause (b) shall be issued except In consultation with the Government of the State: and provided further that no such order which relates to matters other than those referred to in the last proceeding provision shall be issued with the concurrence of that Government.

The present proposal is to amend the Explanation in clause (1) by substituting for the words “ as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under Maharaja's Proclamation dated the fifth of M1948”. The word “ as the Sadr-i- Riyasat of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office “

It is worth noting that, while the proviso to Clause (3) of Article 370 lays down that the recommendation of the Constituent Assembly of the State is a condition precedent to the issue of any notification by the President under the substantive provisions of the clause, it does not make it obligatory for the President to issue a notification to give effect to any recommendation that has may receive from the Constituent Assembly. Presumably it is deliberately so worded in order that the recommendation of the Constituent Assembly could be examined on its merits before the President is advised to issue notification under that clause. It is also worth noting that the clause envisaged two alternatives for the President, namely, either to declare that the whole of the Article 370 shall cease to be operative or to declare that the whole of only with exceptions and modifications. In either case the President is further required to specify the date from which the notification is to take effect.

As I have already observed, the scope of this Article, if literally intercepted, it exceedingly wide. Suppose the first alternative is adopted and whole of the Article is declared to be inoperative, what will be the result? One view would be that the Article being in the nature of being exception to the application of the Constitution of the State of Jammu

and Kashmir, abrogation of the Article would result in the whole of Constitution becoming applicable to the State of Jammu and Kashmir without any exception or modification. But the Article itself has been very peculiarly worded for paragraph (c) of clause (1) of that Article expressly applies the provision of Article and of that Article to the State. In fact, it is because of this application of Article 1 to the State, that the State is included within the territories of the Union. The abrogation of Article 370 abrogates along with the application of Article 1 to the State with the result that the State ceases to be part of the territories of India. I do not think that this could have been the intention of the framers of the Constitution for nowhere is the President empowered to exclude any portion of the territories of India from the Union. As a matter of fact, Article 2 contemplates the admission of fresh territories into the Union or the establishment of New States, but nowhere does the Constitution contemplate the exclusion of any territory from the territories of the Union.

Further, under second alternative envisaged in clause (3), extensive power is conferred on the President to apply the Constitution to the State with such exceptions and modifications as may be specified in the notification and the question at once arises whether such an extensive power is exercisable from time to time or is exhausted by the single exercise thereof, judging by the language employed and by the very exceptional nature of power conferred. I have little doubt myself that the Intention is that the power is to be exercised only once, for then alone would it be possible to determine with precision which particular provisions should be excepted and which modified. The fact that President is also required to specify the date from which the notification is to take effect also tends to confirm this view. Although the phrase "exceptions modifications" is used, there can be no doubt that what is involved is really an amendment by executive order of the Constitution in relation to the State of Jammu and Kashmir. Parliament could never have intended that such an extraordinary powers of amending the constitution by executive order was to be enjoyed without any limitation as to number of times on which it could be made. It cannot be seriously maintained that for all time to come the application of our Constitution to Jammu and Kashmir would derive its authority from Article 370, to the complete exclusion of Parliament. The marginal note to Article 370 itself describes the nature of the Article as "Temporary Provision with respect to the State of Jammu and Kashmir". The conclusion, therefore, seems to be irresistible that clause (3) of Article 370 was not intended to be used from time to time. The correct view appears to be that recourse is to be had to this clause only when the Constituent Assembly of the State has been fully framed."

Memorial of Maharaja Hari Singh Referred In The Aforesaid Note Of The President

Maharaja Hari Singh had written a letter dated 16/17th August 1952 from Poona to Dr. Rajendra Prasad, the President of India, on getting some information about the abolition of his dynasty rule subsisting since the time of Maharaja Gulab Singh, who became Raja of Jammu in June 1822 and Maharaja of the Jammu and Kashmir state under the strength of Amritsar Treaty dated 16th March 1846. The contents of such memorial are read as;

"Sir,

I am making direct approach to you in the matter of the affairs of the State of Jammu and Kashmir and its Ruler as the situation has become acute owing to the rapid developments that are taking place and further steps which are being taken in the next few days as these will vitally effect me personally apart from the repercussions they will have on the subjects of the state.

It is necessary to set out very briefly the events that have happened so far as the State of Jammu and Kashmir is concerned since my accession to the Gaddi.

I became the Ruler of the State in 1925. I then found that the British had strengthened their hold on the state by taking advantage of certain circumstances because, it being a border State of great strategic and political importance, they wanted it to be completely in their grip. The British created in the myth of paramountcy without any historical or political sanctions and exploited the State as a setoff against the fast approaching political awakening and urge for freedom in what was then known as British India.

Realising what was coming, I took it upon myself to shake off the British yoke by insisting that the relations of the State with the British should be governed by the Treaty and all other strings which have been attached to such relationships with a view to gain domination over the State should be removed.

I succeeded in my efforts to a large extent but incurred the wrath of the British, who thenceforth became openly hostile to me. Simultaneously with this, I started taking measures to ameliorate the condition of my people and to organize my Government on progressively democratic lines.

I enacted laws to relieve rural indebtedness and to improve generally the lot of the agriculturist and the economic and social conditions of my people. Some of these enactments were resented by my Hindu subjects who thought that their interests were being sacrificed in the cause of Muslims' uplift. I established industries and made provisions for education and medical relief far in advance of any other state. Special provision was made for the educational advancement of Muslims who were then considered backward.

I was even more enthusiastic as regards the better organization of my Government. In this, I had the assistance of men of unquestionable integrity and ability from British India as my Prime Ministers and other Ministers and Head of the Departments. It will not be out of place to name a few of them, such as Raja Harikishan Kaul, Mirza Sir Zaffar Ali, Mr. V. N. Mehta, Mr. Viahat Husein, Sir Burjor Dalal, Sir Abdus Samad Khan, Sir K.N. Haksar, Sir N. GOPALASWAMY AYYANGAR, Sir B.N. Rau.

As a result, the administration of the State in the matter of efficiency and organization was better than even in some of the Provinces of British India. One further fact to which I wish to draw your attention in this connection is that I invariably acted on the advice of such Ministers and did not interfere or overrule their directions. It, therefore, follows that if any fault is now to be found with the administration of the State and/or the policies then pursued, the blame cannot be laid at my door alone.

It is significant that for six years (1938- 1943), Shri N. Gopala Swamy Ayyangar was the Prime Minister of the State and he will bear me out that I never interfered with his policies and decisions adopted and taken from time to time. Consequently, with my desire to give to the people of the State complete self Government, I discussed in 1945 with my Prime Minister, Sir B.N.

Rau, in the presence of Tej Bahadur Sapru and Sir Kailash N. Harward, the inauguration in the State of Full Responsible Government with Provincial Autonomy and a Central Government comprised of Representatives of the Provinces and a Board of Judicial Advisors with myself as the Constitutional Head. I was prepared to do this even with the knowledge that it would not be relished by the British. Sir B.N. Rau wanted this to be put into execution within next fortnight.

I was of the opinion that it should be done in about six months so as to enable us to complete the scheme. The news leaked out there were intrigues, position became very difficult and Sir B.N. Rau left shortly thereafter.

The Finances of the State were governed on modern principles. My expenditure was strictly limited and kept separate and distinct from the State finances and proper and well defined limits were laid down as between my personal and private matters and matters of the State. Thus, I had a well organized and efficient executive, a democratically elected Legislature, an independent judiciary definite policies for expansion of education, medical relief and all other essential features of the progressive state. The eminent administrators and judges who worked for the state from time to time will bear testimony to this. All that I did aggravated the hostility of the British towards me as they were not sincerely inclined towards ameliorating the conditions of the people or for the freedom of the country.

In those days, the Rulers of the Indian States were judged by the condition and feelings of their subjects and I can say, without fear of contradiction, that the people of my State were content and had no cause for grievances against me or the administration of the State.

It is not unknown that trouble started in the state in 1931 and what has on the occasion been described by so called 'national leaders' of the State under the instigation of the British. The movement in the beginning was religious movement with slogans like 'Down with Hindu Raj' and 'Islam is in danger'. The leaders of the movement were men who now figure as Ministers and Administrators in Azad Kashmir under Pakistan, such as Choudhry Ghulam Abbas, Maulvi Ysuf Shah and some others, to gain sympathy and cooperation from those fighting for freedom from the British Yoke in British India, the Muslims who were running this movement gave it the name of 'National Conference'. The name was adopted also to fall into the line with the movement carried on in other states under the name of the 'State's People's Conference' and to take advantage of the declining prestige of the British. The movement thus gained the sympathy of the Indian National Congress. It became known in British India as the National Movement in the Jammu and Kashmir State.

These facts clearly showed that my people had no grievances against me, that the movement was started by the disgruntled people with the British behind them and that those incharge of the movement gained the confidence and sympathy of the Indian National Congress by adopting the name of the 'National Conference'.

I have been accused by the Prime Minister of not listening to the advice of the Congress leaders during the fateful period 1946- 1947.

I deny that change. In 1946, when the leaders of the Indian National Congress formed the Viceroy's Cabinet for the Interim Government, I had an occasion to meet Mahatma Gandhi and Shri J.P. Kriplani, the then President of the Indian National Congress, when they both visited the state, Mahatma Gandhi suggested that I should have the backing of the people in whatever I did, Shri J.B Kriplani suggested the immediate release of Sheikh Mohammad Abdullah because the nominees of the National Conference who were in Government had resigned. I pointed out to them that I had already set up a Constitutional Government which included two nominees of the National Conference and that it was not possible to entrust the Government entirely in the hands of one group, viz National Conference. I said to them that I was willing to make such further changes as might be suggested towards making it a completely popular Government in consonance with safety of the state and to keep the balance between the divergent views of different parts of the State. The matter rested there for the time being.

The came the development of 1947 and the question of accession. The position of my State was very different, situated as it was in contiguity to India and Pakistan as also to Afghanistan, Tibet and Russia. The situation, therefore, required to be dealt with more tact and foresight than in the case of other states.

Mahatma Gandhi and the Prime Minister were anxious that I should not make a declaration of independence and the Prime Minister was anxious to secure the release of from prison of Sheikh Abdullah. Having regard to what my Government had done when the Prime Minister visited the State in 1946, Lord Mountbatten chose to visit the State in June, 1947, and we had several talks.

Lord Mountbatten then urged me and my Prime Minister, Kakashi not to make any declaration of Independence but to find out in one way or another, the will of the people of Kashmir as soon as possible and to announce our intention by 14th August to send representatives accordingly to the Constituent Assembly or the other.

Lord Mountbatten further told us that the newly created States Department was prepared to give an assurance that if Kashmir went to Pakistan, it would not be regarded as an unfriendly act by the Government of India. Lord Mountbatten stressed the dangerous situation in which Kashmir would find itself if it lacked the support of one of the two Dominions by the date of transfer of power.

The impression which I gathered from my talk with Lord Mountbatten who explained the situation with plans and maps was that, in his opinion, it was advisable for me to accede to Pakistan. I thought that in the circumstances it was advisable for me to have Standstill Agreements with India and Pakistan and get breathing time to decide which accession would be in the interest of the State.

Pakistan very quickly and willingly agreed to a Standstill arrangement, perhaps with mental reservations, as appears from their subsequent conduct. On the other hand, the Government of India did not make up their mind and, if I may be permitted to say so, dealt with the situation in a half-hearted and desultory manner, thus giving an opportunity to Pakistan to do the mischief, as they did. This gave rise to misunderstandings on both sides resulting in dissatisfaction and delay in coming to an understanding. The result has been detrimental to both the State and India. Pakistan became impatient and, having failed to force accession, started with blockading the supplies to the State and ended by invading the State.

Lord Mountbatten, realizing the uncertain and dangerously unstable position of the State, asked Lord Ismay to approach me and get me to decide on accession without further delay to whatever Dominion, I and my people desired. This was the end of August 1947.

My difficulties were as follows,

The people of the State were divided in several groups, each group having its own ideas about accession—

The Border Feudatory Territories, such as Hunza, Nagar and Chitral and the District of Gilgit, where British influence was Supreme were definitely for accession to Pakistan and were pressing me to accede to Pakistan without delay and threatening me with dire consequences if I did not act according to their suggestion.

The Muslims population of the State was also divided into groups with diverged views. Muslims from Parts of Jammu, such as Mirpur, Poonch, Muzaffrabad were for accession to Pakistan because of Pakistan Propaganda inside the State. Muslims Kashmir and some Muslims of Jammu who were led by Sheikh Abdullah and the leaders of the National Conference did not want the question of accession to be decided at that stage but wanted me to part with powers in their favour so that they could decide the question independently of me. They made no secret of their views and obstructed me in deciding the question of accession instead of helping me to accede to India.

Hindus of Jammu and all the people of Ladakh Were for affiliation with or Accession of India. A portion of the population of Kashmir was also for accession to Pakistan.

Thus there was a sharp division of opinion. The partition aggravated the situation and unhinged and unbalanced the minds of the people with the result that the people of the State were not in a position to give any considered opinion if I chose to consult them.

In September 1947 it was suggested to me that it would be wise move on my part to appoint Shri Mehar Chand Mahajan as my Prime Minister as he would be able to handle the affairs of the State in the then critical period firmly and in a statesman like manner. Before Shri Mehar Chand Mahajan took the appointment, he discussed with Sardar Patel about immediate requirements of the State and Sardar Patel promised him full support and cooperation on behalf of the Government of India.

Sardar Patel also wrote to me stating this and adding that the Government of India fully realized how difficult the situation in the state was and assured me that the Government of India would do their best to help the State in the critical period. I then wrote to Sardar Patel that a little further elucidation of the points of view regarding the essential requirements of the movement would result in a satisfactory solution. Sardar Patel replied on October 2, 1947 that he had further talk with Shri Mahajan and understood that Shri Mahajan was joining my services very shortly. As by that time, I had taken and stated that this would rally round me the men who might otherwise have been a thorn in my side. He also stated that he was expediting much as possible the linking up of the State with the Indian Dominion. Shri Mahajan then received Sardar Patel's letter of 21st October 1947 in which he said that he had further discussion with Sheikh Abdullah, that Sheikh Abdullah seemed to him genuinely anxious to cooperate and sincerely desirous of assisting the State in dealing with the external dangers and the internal troubles with which the State was threatened.

He further said that at the same time, Sheikh Abdullah, as was natural, felt that unless something was done and done immediately to strengthen his hands, both in popular eyes and in dealing with the dangers, it would be impossible for him to do anything substantial. He said he felt that the position which Sheikh Abdullah took up was understandable and reasonable, that in the mounting demands for the introduction of a Responsible Government in the State such as was witnessed in Travancore and Mysore, it was for me to isolate myself, the upsurge was bound to take effect sooner or later, that the Government of India on their part had pledged to give me maximum support and would do so, but without some measure of popular backing, particularly from amongst the community which represented such an overwhelming majority in Kashmir, it would be difficult to make such support to go to the farthest limit that was necessary if the disrupted forces, which were being raised and organized, were to be crushed. He advised me in the circumstances to make a substantial gesture to win Sheikh Abdullah's support. He said he had no desire to suggest that I should do so in a manner which would be completely revolutionary in character, that such a step might undermine the loyal and willing support which the State had commanded from strong elements of the body politic.

Shri Mahajan also received the Prime Minister's letter dated October 20 1947 in which he referred to the friendliest feelings the Government of India had towards Kashmir and its people and their desire to help to the best of their ability in providing Kashmir with commodities it needed. He said that the Government of India would like to do so for humanitarian reasons as well as because of their deep interest in future of the people of Jammu and Kashmir State. That the self interest of India also demanded and that Government of India were strongly of the opinion that no coercion should be exercised on Kashmir and its people and that they should be allowed to function in their own way and make such decision as they thought fit and proper and that in the furtherance of this policy, the Government of India would direct their efforts.

The Prime Minister in his letter dated 21st October 1947, to Shri Mahajan said that the future of Kashmir was of most urgent importance to the Government of India and for him, it was both a personal and public matter that it would be tragedy so far as he was concerned, Kashmir went to. The Prime Minister referred to the urgent need of Pakistan to get

Kashmir's accession to Pakistan and that they were threatening every now and then to that end and that everything else that they did was an accessory to the same, that the top ranking leaders of Pakistan were continually approaching the Kashmir National Conference leaders, that they assured them of their best behavior and promised them something approaching independence is they would agree to Kashmir acceding to Pakistan. They were even prepared to give right of secession. The Prime Minister then suggested the urgency of taking some step like the formation of Provincial Government and that Sheikh Abdullah, who was obviously the most popular person in Kashmir, might be asked to form such Government. The Prime Minister further added that in view of all the circumstances he felt that it would probably be undesirable to make any declaration of adhesion to the Indian Union at that stage that this should come later when a popular interim Government was functioning.

After the amnesty proclamation by me, Sheikh Abdullah wrote to me on September, 1947, in which after referring to his incarceration for about a year and a half, he said as follows:

In Spite of what has happened in the past, I assure Your Highness that myself and my party have never harboured any sentiment of disloyalty towards Your Highness's person, throne or dynasty. The development of this beautiful country and the betterment of its people is our common aim and interest and I assure Your Highness the fullest and loyal support of myself and my organization.

He added: In order to achieve the common aim set forth above, mutual trust and confidence must be the main step. Without this, it would not be possible to face successfully the great difficulties that upset our State, on all sides at present.

He concluded: Before I close this letter, I beg to assure Your Highness once again of my steadfast loyalty and pray that God may grant me opportunity enough to make this country attain under Your Highness' Aegis, such an era of peace, prosperity, and good Government that it may be second to none and be an ideal for others to copy.

I wrote to Lord Mountbatten on October 26, 1947, informing him the situation in the State. I received his letter dated 27th October, 1947 stating as follows: In special circumstances mentioned by Your Highness, my Government has decided to accept the accession of Kashmir State to the Dominion of India.

It is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared from invaders, the question of the State's Accession should be settled by a reference to the people. My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an interim Government to work as your Prime Minister.

The Prime Minister also wrote to me on October 26, 1947 stating as follows: Shri V.P Menon returned from Jammu and Kashmir this morning and informed me of his talks there. He gave me the Instrument of Accession and the Standstill Arrangement which you had signed and I saw also your letter to the Governor General of India. Allow me to congratulate you on the wise decision that you have taken. I earnestly hope that they will lead not only to the Effective protection of Kashmir State in the present but also to the freedom and well being of Kashmir and India as a whole. I then acceded to India.

The Prime Minister in his letter dated November 13, 1947 pointed out to me that the only person who could deliver the goods in Kashmir was Sheikh Abdullah, that he was obviously the leading and popular personality in Kashmir, that the way he had risen to grapple with the crises had shown the nature of the man, that the Prime Minister had a high opinion of his integrity and his general balance of mind and that he was likely to be right in regard to major decisions.

Shri GOPALASWAMY, who was then a Minister without Portfolio wrote to me on December 9, 1947 indicating my consideration his views on the changes which in the critical situation of the State were immediately called for in the then existing Constitutional and administrative setup in the State.

A draft of the Proclamation, which I was intended to issue, was sent to me by the Government of India.

It was seen by Sheikh Abdullah. He also knew the correspondence which had passed between Sardar Patel and myself.

Shri GOPALASWAMY wrote to me on March 1, 1948 as follows;

March 1, 1948

My dear Maharaja Sahib,

Messrs V.P. Menon and Mahajan are going to Jammu this afternoon to discuss and finalize with you the draft of the Proclamation which Your Highness has to issue for appointing Abdullah as Prime Minister and others on his advice.

The draft has been very carefully considered by myself, Panditji and Sardar ji, and we are of the opinion that the whole of it should be accepted by you. Anything less would not satisfy the requirements of the present situation.

As a friend of yours, I consider it most important that Your Highness must make very big gesture in order to rally the maximum percentage of the population of the State behind you with the help of Abdullah. Things are moving very fast and we have yet to fight a great battle at Lake Success that Your Highness hD only been waiting for Sheikh Abdullah to return from America to convert the Emergency Administration into an interim Council of Ministers with Sheikh as Prime Minister. I am leaving Delhi for Lake Success the day after tomorrow, and it would be a great strength to the cause I have to plead there on behalf of Kashmir if Proclamation is issued before I leave. I have not the slightest doubt that the issue of this Proclamation at this juncture is, in the circumstances that confront us at present, in the best interests of Yourself and your people.

It is further very important that everything that has happened in the past should be forgotten and forgiven and that Your Highness should take Sheikh Abdullah into your confidence. In fact, I was almost going to suggest that you should give up your usual reserve, come out in the open and put yourself at the head of the people, both Muslims and Non-Muslims, for the purpose of consolidating and strengthening the large volume of support for preserving the integrity of the State and maintaining its accession to India, which thanks to Sheikh Abdullah and the Indian Army, we have already behind you."

Sheikh Abdullah in his letter dated March 25, 1948 stated as follows,

"The situation in Jammu and Kashmir State is, as you are well aware, a difficult one and requires the utmost careful handling. The emergency continues and has to be dealt with as such till normal conditions are restored. The burden of a Prime Minister in these circumstances will be heavy one. He cannot function effectively without cooperation of his colleagues and the people as well as, of course, Your Highness.

I have consulted some of my colleagues, who are available, and have come to the conclusion that it is my duty in these circumstances to take this burden. I trust that in the heavy work ahead, I shall have Your Highness's full help and cooperation. I appreciate the spirit in which you have made the offer of the Prime Minister to me and on my part, I assure Your Highness that I shall fully reciprocate it."

Then came the Proclamation dated 5th March, 1948, which was drafted by Shri GOPALASWAMY and approved by the Government of India and Sheikh Abdullah. It has been referred to in Article 370 of the Constitution of India and the State of Jammu and Kashmir has so far been governed under the Constitutional setup for that Proclamation.

It is necessary to set out briefly what happened in the State and between the Government of India and Sheikh Abdullah in relation to the State after the Proclamation of March 5, 1948 and my leaving the State at the end of April 1949, Sheikh Abdullah and the men of his partook all powers to themselves, ignored my existence and, where they felt necessary, they got the consent of the Government of India to do what they liked in the State disregarding me and my wishes. This gradually led a deterioration, to the outside world, the State and Sheikh Abdullah became convertible terms. The people of Kashmir were utterly ignored and everything that Sheikh Abdullah desired to do was done in the name of the State with the express or tacit consent of the Government of India. At this juncture, on a suggestion from Sardar Patel, I and my wife began a tour of the State. This did not suit the books of Sheikh Abdullah. He approached the Government of India with the result that I was asked to stay out of the State for a few months. I accepted the advice of Sardar Patel and agreed to stay out. The Yuvraj was appointed Regent. It need hardly be pointed out that Yuvraj became figure head and had to take orders from Sheikh Abdullah. In this connection it may also be pointed out that although my Proclamation of March 5, 1948 was based on Mysore Constitution, which stipulated the appointment of a Dewan and reserved subjects, yet gradually Sheikh Abdullah succeeded in getting the approval of the Government of India to make changes in the Constitution of the State so as to make it very different from what was expressly intended to be. The mischief began with Sheikh Abdullah going direct to the Government of India on certain points over my head and the Government of India countenancing him and giving desired directions and then informing me of what he had done at the instance of Sheikh Abdullah. The correspondence on the subject and events following on each change bear testimony to what Sheikh Abdullah was trying to achieve in breach of the solemn promises and assurances given by him and also by the Government of India on his behalf. After my leaving the State, things went from bad to worse.

Sheikh Abdullah was not satisfied with what he had achieved and aspired to absolute control of the state. He became openly inimical and hostile to me. He even interfered with my private properties and personal belongings, issued orders to humiliate me and even interfered with the administration of the Dharmarth Trust, a Trust created by my forefathers of which I am the Trustee and which is being administered from day to day by the President of the Dharmarth Council appointed by me. The charities and institutions maintained from the revenues Trust are starved. Even the routine expenses of the Trust, such as for Pujain temples and Devasthanans cannot be met because it pleases Sheikh Abdullah to prevent the income of the Trust coming to my hands or to the hands of President of the Dharmarth Council. The Jammu Branch of the Imperial Bank of India refused to pay even to me the amounts of the fixed deposits of the Trust and also the state and to my Proclamation of March 5, 1948 wherein the setting up of such an Assembly was foreshadowed and stated that it appeared to the State's Ministry that the time has come to reduce the uncertainty in Kashmir by going ahead with this proposal. He sent a draft Proclamation to setup the Constituent Assembly for my comm.

I took exception to the proposed manner and method of setting up the Constituent Assembly. I summarized my objection to it as follows;

That the Proclamation with the object and spirit of which I wholeheartedly agree be issued by me as a Ruler who is the property constituted authority in law to promulgate it and not the Regent.

The powers and functions of the body intended to be constituted should be expressed, well defined and accurately worded and should not expressly be entrusted to them. They should report to the authority that constitutes it, i.e. the Ruler who shall seek the advice of the Parliament of India in the matter.

I refer to the correspondence that took place, the interview which Mr. Menon had with me in Bombay in February 1951 under the instructions of the Prime Minister and the subsequent negotiations which ended with my giving consent to the Yuvraj for setting up the Constituent Assembly. I also refer to the assurance given to me by the Minister of States (Shri N. Gopala Swamy Ayyangar) in the course of the negotiations as to the position of myself and my dynasty and other important matters. I am constrained to refer to the relevant portions of his letter which I quote below.

"5th April, 1951, Developments have, however, since taken place both in the State and at Success Lake, which make it imperative that the issue of this Proclamation is not delayed any longer. The Government of India is committed to the convening of a Constituent Assembly, the preparations for which are in active progress in the State. That Assembly will be held, whether the formal Proclamation issued or not. In the view of the Government of India it must be convened, if both their commitments to the people of Kashmir and their stand at Lake Success are to be implemented in spirit and in letter. From the beginning, they have held that this Constituent Assembly should be called under the provisions of the Constitution of India and that this should be done from both a tactical and Constitutional point of view, on the authority of Proclamation issued by the Head of the State. The draft of the Proclamation has been agreed between the Government of India and the Government of Jammu and Kashmir. No purpose will therefore, be served by any act of Your Highness which holds up the signing and issue of this Proclamation by Shri Yuvraj"

On neither of the two matters about which I can understand your entertaining apprehensions, namely the continuance of the accession of the Jammu and Kashmir State or of part thereof to India and the connection of the Headship of the State with your dynasty, no final decision could be taken by the Constituent Assembly to be convened. They are essentially matters which could be decided only as a matter of agreement between the Government of India and Parliament on the one side and the Government of Jammu and Kashmir and the Constituent Assembly or Legislature on the other. The Government of India will, no doubt, at the proper time take a decision on these matters, which, I need hardly assure you, will be essentially just from the standpoint both of your dynasty and the people of the State.

You have obviously to put your trust in the people of the state and the Government of India in respect of this matter. I hope, therefore, you will immediately lift the ban which you have placed on Shri Yuvraj affixing his signature on the agreed Proclamation and which naturally has placed him in great embarrassment. Apprehending what was coming and in order not to embarrass the Government of India and the Yuvraj, I have been prepared to abdicate provided that a satisfactory arrangement was to come with me by the State's Ministry and provided also that the Yuvraj's position as the Head of the State was assured. The negotiations in this behalf which were carried on with Shri Gopala Swamy having been succeeded as the State's Minister by Dr. K.N. Katju." Having regard to the trend of events, I wrote to Dr. Katju on

June 29, 1952. I waited for Dr. Katju's reply as foreshadowed in Prime Minister's letter. I then received Dr. Katju's reply dated July 30, 1952.

I replied to Dr. Katju by my letter dated August 8, 1952.

I enclose copies of these letters as they have an important bearing on the situation.

These letters speak for themselves. Dr. Katju's reply is not a reply at all. The legal position, it appears to me, has not been considered and it further appears that it is being taken for granted by the Prime Minister and Dr. Katju that the relevant Articles, particularly Article 370 refers specifically to my Proclamation of March 5, 1948. That is the law which governs the State of Jammu and Kashmir until a new Constitution is framed, approved and adopted and not only by the Constituent Assembly of the State but also approved by me and then by you and yet, I learnt that the Prime Minister has asked the Yuvraj (who is acting only as my Regent and represents me) to agree to be elected Head of the State forthwith, that is to say, even before the Constitution of the State is framed much less approved and adopted thus throwing over not only me but also the dynasty. I do not know what reply Dr. Katju proposes to make to me but it appears that the Prime Minister is dealing with the matter (vide his letter dated July 5, 1952). I have, therefore, to specifically deal with the charges made in the Prime Minister's letter.

The Prime Minister in Paragraph of his letter refers to the Constitution of India as having been based on and derived from the people of India and says with regard to the Jammu and Kashmir State that the Government of India felt that the people would prefer accession to India but the matter was delicate and not beyond dispute and, therefore, the Government of India did not press for the Accession of Jammu and Kashmir State but suggested that the matter should be considered at a later stage when the people's wishes could be ascertained in some form or the other and the suggestion was that some kind of a Constituent Assembly might be set up in the State to decide the question of accession as well as other questions.

I grant all this but how can the Government of India take all these steps over my head on whose authority they entered the State and are continuing there and who was the Chief Author of the Proclamation on which is based the future Constitution of political setup in the country?

In Paragraph, the Prime Minister says the invasion of the state by tribal raiders and others in late October 1947, the crisis arose and, at that time, I left Srinagar at dead of night for Jammu and many of officers followed me and the State was left without leadership or means of defense, in so far as official authority. This is in fact, untrue, as pointed out above. I left Srinagar for Jammu on the advice of the Government of India conveyed me through Mr. Menon. The Prime Minister says further that in the basic picture of the crisis of Kashmir I do not come at all. That statement amounts to suppressio veri and suggestio falsi.

I have acted all throughout from September 1947 under the advice of the Government of India, Lord Mountbatten, the Prime Minister, Sardar Patel and Shri Gopala Swamy and, as pointed out herein above, Sheikh Abdullah himself made promises and gave assurances, which he is now backing out of. Even in the book called New Kashmir, published by the Kashmir Information Bureau, New Delhi, in 1950, which is the political Bible of Sheikh Abdullah, Sheikh Abdullah has based his case for a Responsible Government in the State under the Aegis of the Maharaja was to perform. The Prime Minister in his letter says that the people of Kashmir must decide their own future, I may well ask whether Sheikh Abdullah is a synonymous term with the people of Kashmir. The people of Kashmir have not been consulted.

According to Sheikh Abdullah the people of Kashmir have changed their mind to such an extent that they are determined to get rid of the idea of hereditary rulership of the State. The Constituent Assembly has been packed with Sheikh Abdullah's men and even that Assembly has not yet come to a decision, nor has it framed any Constitution providing for the functions of the Head of the State either hereditary or elected and what one would like to know is where is the reason for this frightful hurry to elect the Head of the State, thus during away with me and my dynasty before the Constitution is framed and before fate of the State is determined in the fight that is raging before the UNO between India and Pakistan.

Are myself and my dynasty to be pawns in the game, which Sheikh Abdullah is playing with the Government of India on the representation that he is actively helping India in the case before the UN Security Council?

The Prime Minister says that he has not seen no evidence of any sympathy on my part for the people of Kashmir, who have gone through fire and suffering during the past four and a half years. May I ask who is responsible for this state of

affairs? Has the Government of India given any chance of action to me during the last four and a half years?. Have they at any time pulled up Sheikh Abdullah knowing as he did, on what promises and assurances Sheikh Abdullah became the Prime Minister? May I again point out that even before I left the State under the advice of Sardar Vallabhbhai Patel, I and my wife had started tour of the State but Sardar Patel had told me that I should see more of my people and they should see more of me. Sheikh Abdullah did not like this tour and approached the Government of India with the result that I was called to Delhi and asked to desist from returning to the state and finally to leave it.

The Prime Minister says at the end of this letter that the only assurance he can give to me is that the first place will be given always to the rights of the people and to the wishes of the people and that if I fall in with those rights and wishes, the Government will endeavor to help me to the best of their ability.

I am prepared to take up the challenge. Let the people of Jammu and Kashmir freely decide between me and Sheikh Abdullah without interference from the Government of India. Let me point out what has been happening. The world has been given to understand that the March of events, the changed political values have brought about rapid and inevitable changes and we must accept them, no matter what the obligation of the Government of India, Government of Jammu and Kashmir, the assurances of both the Governments to me and their duties under certain legal and Constitutional arrangements may be. With all the due deference to this opinion, I must say that I emphatically challenge the contention that whatever has happened is in accordance with the will of the people and that the sovereignty has effectively and really passed to the people as I should and that they are consciously exercising their will and ask for changes which are being brought about by an oligarchy backed by the Government of India. I cannot conscientiously recognize the changes in the Proclamation of March 5, 1948, which governs the relations of the State with India. But if the Government of India and you Sir, feel that in the present stage of negotiations with Dr. Graham, it would be inconvenient for the Government of India to allow this matter to be raked up, then at least the Government of India should not succumb entirely to the wishes of Sheikh Abdullah but hold balance equally between him and me and at least preserve the status quo as regards the Headship of the State until the field is clear for the necessary steps to be taken to determine the will of the people of Kashmir

Copies of the following documents are attached for your ready reference:

Note given to Prime Minister of Kashmir by Prime Minister of India on October 26, 1947

Letter dated October 26, 1947 from the Prime Minister of India to the Prime Minister of Kashmir

Letter dated October 27, 1947 from the Prime Minister of India to the Prime Minister of Kashmir

Letter dated October 27, 1947 from the Prime Minister of India to me

Letter dated October 26, 1947 from me to Lord Mountbatten

Letter dated October 27, 1947 from Lord Mountbatten to me

Letter dated December 24, 1947 from Shri N. Gopala Swamy to me.

Secure in the knowledge that I was out of picture and could not reply, I was, by a series of false statements and speeches, intended to humiliate and malign me, painted black and unpatriotic. The Government of India who had assured me that I would be protected against such onslaught remained unconcerned spectator. Not only that, it is most distressing to know and feel that whenever Sheikh Abdullah and his party talked of me in disparaging and spiteful terms, the highest authority in the Government of India immediately endorsed it. If Sheikh Abdullah said I could not return to the State, the Prime Minister, with all the authority, prestige, and might at his back, endorsed it. If Sheikh Abdullah said, I had lost the confidence of the people, the Prime Minister referred to my alleged wrong headed and mistaken policies, without saying exactly what they were and said the people had suffered on account of these. This no doubt, had the effect of suppressing what is said to be the will of the people. Being placed as I was, I was absolutely unable to answer any of these accusations. I feel grievously wronged in that the Government of India, whom I looked up to as the ultimate authority, I could go to for redress, instead of stopping such malicious and false propaganda, not only went on countenancing it but endorsing it disregarding their solemn assurances.

Having eliminated me in a manner which had neither the sanctions of Lawlor political morality, it was the duty of the Government of India to protect me. But that was not done and the matter did not end there. My properties and privileges etc were being attempted to be interfered. I protested and asked for redress but never got.

As I have said above, I was eliminated by a process which was neither fair nor honorable. It was not and it has never been due to the will of the people. It was due to entirely the machinations of Sheikh Abdullah and his party. They got themselves appointed on the definite assurance and later, with the convenience of the Government of India systematically ignored all their legal and moral obligations and ultimately without rhyme or reason but to suit the books of Sheikh Abdullah successfully got me out of state. Taking advantage of my absence and helplessness, started a campaign of vilification and harassment thus created conditions, wherein they could tell an unknowing world that they were doing what the people desired. I have taken the responsibility of making these statements and I earnestly request you, sir, to ascertain the views of your Government about them and then come to an independent opinion as to whether I have not been seriously wronged and to redress the wrong, I may be permitted to summarize the position.

The Government of the State of Jammu and Kashmir was more advanced and enlightened than that of any other Indian state in the pre partition days.

I employed men of undoubted ability and standing to be my Ministers from time to time

In August 1947, Lord Mountbatten gave me the impression that I should accede to Pakistan. Government of India was undecided about the matter, wanted every step by me endorsed by Sheikh Abdullah, the people of Jammu and Kashmir were divided in their opinion and decided to enter into Statesville Agreement with both India and Pakistan in order to have time for things to settle down;

Pakistan did not act up to the Standstill Agreements, blocked supplies to the State and aided and abetted the raiders; I released Sheikh Abdullah as advised by Sardar Patel and relied on the assurance given by Sheikh Abdullah backed up by assurances given by the Government of India: I took Sheikh Abdullah in my Government; I issued the Proclamation of March 5, 1948; Sheikh Abdullah with the connivance of the Government of India started tinkering with the Constitution of 5th March 1948; Sheikh Abdullah persuaded the Government of India to drive me out of the State; I left the State and appointed Yuvraj, my Regent; My rights of personal property and the affairs of Dharmarth Trust were interfered with by Sheikh Abdullah; Sheikh Abdullah by maligning me created an impression that people of Kashmir were against me; the Constituent Assembly was set up, the will of the people of Jammu and Kashmir is now judged by the whims and caprice of Sheikh Abdullah; Sheikh Abdullah having made up his mind to get rid of the Ruler and his dynasty, persuaded the Government of India to see eye to eye with him and to lay down that this could be done even before the new Constitution was framed much less approved by you on behalf of India.

I get no redress and am told that I am in the wrong, the will of the people in all that counts and I must abide by such will;

The Press carries reports from day to day creating feelings against me. False reports are not being contradicted. The Prime Minister got angry as evidenced by his letter dated July 5, 1953 because I stated facts. The State's Minister avoids giving a proper reply to me and yet the press says, I have been asked and have not replied;

The Yuvraj is being coerced by the Prime Minister and Sheikh Abdullah to accede to their suggestions.

Finally, I have to say that I had range of controversy with Sheikh Abdullah and the Prime Minister and I am bitter about the fact that the Government of India has been unable to afford me protection and safeguard my rights inspite of the fact that throughout these four and a half years, I have given full cooperation and the fact that my pre 1947 conduct did not compare unfavorably with that of the other Rulers who at present enjoy Government of India's protection and favour. During the last three years of my enforced absence from the state, I have given them no cause for grievance and at the most, I have been charged with delay in permitting the Yuvraj to take action, which having regard to the consideration involved and my bitter experience was natural and understandable. Even in this matter, ultimately I did fall in line with the Government of India. If the result of all this in the final stage has again to be a betrayal by the Government of India of their assurances and promises etc and is said to result not only in my internal removal from the state but also of sacrifice of the Yuvraj, whom I had entrusted to the Government of India's protection, I can only say that it would be an ill return for the faith which I and the Yuvraj placed in the Government and the help and cooperation to the extent of self effacement that we rendered to it. Only history and posterity will be able to do justice to our respective points of view.

In these circumstances, I appeal to you to consider the matter impartiality in all its aspects with your sagacity and wisdom and guide me as to what would be in the best interests of the State

:(This letter of Maharaja figures in the note of President of India sent to the Prime Minister of India vide letter dated 6th September 1952 as referred supra).

PRAJA PARISHAD AND JANA SANGH.

Dr Shama Prasad who founded the national level political organization under the name and style of Bhartiya Jana Sangh on 17th September 21st October 1951, was deeply perturbed over the growing Secessionist developments in the state of Jammu and Kashmir. Dr Mukerjee felt that the matter relating to Kashmir was being mishandled at both domestic and international while condemning the vote face of Sheikh Mohammad Abdullah leading towards Secessionist results more particularly when the fraud with democracy was also exposed with the manner the Jammu and Kashmir Constituent Assembly Elections were held by getting the entire Constituent Assembly packed of all 75 seats by the National Conference especially noticed by the United Nations Security Council resolution No.91 of 30th March 1951..Dr.Mukerjee compared Sheikh Abdullah with Jinah to be an offer of accession with his left hand with secessup his sleeves..Meanwhile as a result of relentless pressure from Dr.Mukherjee and other leaders at Delhi upon the Government of Jammu and Kashmir through Government of India, Pandit Prem Nath Dogra put in Jail hypocritically was released on 12th April 1952, he proceeded to New Delhi to place the case of Jammu people before the leaders of public opinion in India.

Pandit Prem Nath Dogra met Dr. Syama Prasad Mukerjee in his suite in the Western Court in early May 1952, which according to Shri Balraj Madhok was regarded as momentous. Pandit Dogra described in detail to Dr. Mukerjee the events that had preceded and succeeded Sheikh Mohammad Abdullah's rise to power to which Dr Mukerjee was mostly unaware of. Pandit ji described how Abdullah could not enter Jammu without his assurance of support constructively. Pandit ji also narrated how Sheikh Mohammad Abdullah was pressing him to join his National Conference as a pre requisite to be taken in his cabinet but how he could not oblige him by selling his conscience for the sake of loaves and fishes of office and the same derived him to the stage of his enmity. Pandit ji also narrated how the hand of cooperation offered by the Praja Parishad for the defense and betterment of the State as well its people was spurned by Sheikh Mohammad Abdullah. Dr. Mukerjee listened Pandit Prem Nath Dogra with rapt attention and became well versed with the true volte face of Sheikh Abdullah till then remained eclipsed among the national leaders. Dr Mukerjee was convinced with the stand taken by Praja Parishad in the Jammu and Kashmir State for justice and its wider implications for the unity and integrity of India as a whole. Dr. Mukerjee was also highly impressed by the sincerity of the seventy years old Pandit Prem Nath Dogra and was visibly moved by his appeal for support to the cause of Jammu and Kashmir State to which the All Jammu and Kashmir Praja Parishad was fighting. Pandit Prem Nath Dogra also invited Dr. Syama Prasad Mukerjee to visit Jammu to which Dr. Mukerjee readily agreed. Pandit ji also tried to call on Pandit Jawahar Lal Nehru the then Prime Minister of India but being ever mindful of Sheikh Mohammad Abdullah's feelings rather than anyone else, refused to meet a tall personality in opposition of the time, Pandit Prem Nath Dogra without courtesy.

Dr. Mukerjee once convinced of the Dogra's cause so put forth for the broader national interests vis a vis diabolical designs of Sheikh Mohammad Abdullah, immediately got down to appropriate movements. He got resolution passed by the Working Committee of the Bhatriya Jana Sangh on 14th June 1952, which emphasized that the Jammu and Kashmir Was an integral part of India and declared that " the decision of the State Constituent Assembly concerning an elected President and Separate flag....are in violation of India's sovereignty and the spirit of Indian Constitution. The resolution further laid down that " The committee takes serious view of this development and wants to remind the people and the Government of India that the Cabinet Mission Scheme of 1946, envisaged a weak centre with only three subjects, was opposed by the Congress and a large section of Indian opinion as being inimical to India's unity and interests. The fissiparous tendencies of the Muslim League, however succeeded in dividing India leading to disastrous consequences. To allow the Jammu and Kashmir State to proceed along the same path now looks like asking history to repeat itself. It might mean a fresh call to disruptive elements in India to break its unity and integrity which has been achieved as such tremendous cost". The resolution also called upon the people of India to observe 29 June 1952, as the Kashmir Day and to hold public meetings and demonstrations in support of the stand taken by the Bhatriya Jana Sangh.

It was on June 19th 1952, Pandit Prem Nath Dogra being President of the All Jammu and Kashmir Praja Parishad submitted a memorial to the then President of India, Dr Rajinder Prasad (Reported in Organiser dated 30th June 1952), the contents of which are read as,

“ May it Please Your Excellency,

1.The future of Jammu and Kashmir State, particularly its relationship with Bharat, is a matter of vital and paramount importance to the people of the State. The people of Jammu and Kashmir are particularly anxious to ensure that their State becomes firmly and finally a permanent unit of the Union of Bharat and are prepared to pay any price for it.

2.It was this anxiety to be one with the rest of Bharat that induced the people of Jammu to offer their fullest cooperation to Kashmir' National Conference when powers of day to day administration were transferred to it by the Maharaja at the behest of the Government of Bharat. This was done in the hope that the leaders of the National Conference would overcome their past prejudices against the Dogras of Jammu and carry the whole people of the State with them to achieve the common goal of full accession to Bharat.

3.But unfortunately Sheikh Abdullah's Government not only failed to appreciate the cooperation spirit but even mistook it for a sign of weakness and adopted a policy of systematic and deliberate discrimination and repression against the people of Jammu province generally and their representative body, the Praja Parishad particularly. The repressive and discriminatory policy extends to all spheres of political, economic and cultural life of the people and even amounts to interference in their religious life.

4.In the first place, the Civil liberties of the people of Jammu, their freedom of speech and their rights to participate in formulating and, if necessary, of criticizing Government policies, particularly those relating to the relationship of the State with Bharat in a Constitutional manner, have been completely denied and effectively curbed by frequent arbitrary unsecured of Section 50 of the Defense of Kashmir Rules and the Public Security Act. Not content with this wholesale suppression, Abdullah's Government has started a regular campaign of harassment of the people by initiating general censorship of press, post and telegraph and introducing measures, whereby the relatives of the Praja Parishad people are made liable to lose their appointments and pensions.

There are cases where such steps have already been taken. As a result, the voice of the people, who are dissatisfied with the present policy of limited accession, and want closer and complete Union with Bharat, has been completely gagged.

Newspapers that dared criticism the Government have been suppressed and silenced. The Indian newspapers that happened to be sympathetically critical of the policies pursued by the Kashmir Government have been banned in the state

The President of the Praja Parishad and his co- workers have been repeatedly arrested and detained without trial for long periods.

Recently in February this year, the students' agitation against the use of the party flag at a public function in place of the State flag was made an excuse to adopt repressive measures against the Praja Parishad and a veritable reign of terror was let loose on the people of Jammu. A number of its prominent workers were expelled from the state. This has been made the condition of the people much worse than it was under the old autocratic regime. The people of Jammu and Kashmir have no fundamental rights and cannot approach even the Supreme Court of Bharat for protection

5.In the educational sphere, systematic efforts have been made during all these years to break the linguistic and cultural ties that bind the State with rest of Bharat. Hindi occupied an equal place with Urdu in the educational life of the State before accession. Now it has completely relegated to the background. Urdu has been made official language of the state and medium of instructions in school. Even the textbooks meant for girls are full of different Persian and Arabic words which even the teachers do not understand. Urdu has been made a compulsory subject for the matriculation examination. A sense of Kashmiri nationalism as distinct from Indian nationalism is sought to be created through the books prescribed for the school going children

6.Among the seven men who constitute Textbook Committee of the State, there is not even a single person belonging to Jammu or the minority community.

7.A separate University for the few colleges of the State has been established entailing heavy burden on the State exchequer only to cut off the educational and cultural ties which a common University (Punjab University) created between the students of the State and India. Even the examination papers are set with the object of creating anti Dogra

feelings in the examinees as will be clear from a perusal of English paper B for the intermediate examination 1952 of the Jammu and Kashmir University.

7. In the administrative sphere, the Party interest has been carefully nursed at the expense of merit, fair play and the wider interests of the State. Requirement to the services used to be made through open competition or permissibility or seniority during the Maharaja's regime has gone. Now only qualification for winning or retaining a public office is declared that he wants the party and the Government to be managed entirely by the same personnel, ignoring that the practice is followed only in totalitarian states. Communalism, against which Sheikh Abdullah is fond of talking so loudly, is being practised so extensively in the state administration that notices advertising vacancies of the Government posts sometimes clearly says that "only Mohammad need apply).

9. The men in power in the state, judged from the policies they have been pursuing seem to be determined to make the people of the state to feel that they are ruled from Srinagar. The training college, which was started by Maharaja's Government in Jammu has been shifted to Srinagar. The Toshakhana, which was containing all valuables and curious of the State along with manuscripts lying in Jammu library, have also been carried to Srinagar. It was planned to shift the State press also from Jammu to Srinagar but this has been postponed for the time being as a result of public protest. Jammu enjoyed the status of separate province with a separate Governor during the old regime. Now the separate entity of Jammu province has been destroyed by abolishing the governorship and lumping together the districts of Jammu and Kashmir under one Commissioner

10. The territorial limits of the various administrative units of the Jammu province have been altered with a view to the eventual partition of the province into Hindu and Muslim Zones so that Muslims may be in a position to act in the critical time to the detriment of Bharat. The Udhampur district, which had a clear Hindu majority and acted as a direct link between Jammu and Ladakh, has been split up into two units. Its northern areas like Bhaderwah, Kishtwar and Ramban which contain most of the mineral and forest wealth have been constituted to a separate Muslim majority district of Doda., which intended eventually to amalgamate with the Kashmir valley province. The minorities in the Zone are being harassed and threatened to leave, illegal provocative speeches are being delivered by the National Conference leaders in the very presence of the police without action being taken, arms and ammunition are being manufactured and supplied to the members of the majority community. This district besides destroying the natural cohesion of the Jammu province has become a wedge separating Jammu from Ladakh.

Similarly, Reasi dis was split up and a new district of Rajouri Poonch crea. The Tehsil of Reasi with a preponderance population of Hindus was joined with Udhampur and remaining portions of Reasi district, ie Rajouri Tehsil was joined with Muslim majority area of Poonch. Further, with a view to extend the newly created district of Rajouri Poonch, a portion of Reasi Tesil in the west of river chenab, and certain northern Parwars of Akhnoor Tehsil, which were predominantly Hindu areas are being separated to form a new Niabat of Sunderbani.

11. The motives underlying become clear when we keeping a view the treatment meted out to the thousands Hindu and Sikh refugees, who migrated from Pakistan held territories of the State. They want to settle i. There is enough room to settle them all. In Jammu district alone 7,04,914 kanals of evacuees land is available for their settlement. But instead of allotting that land to refugees, it has been given to favorites on payment of five times the annual land revenue, which amount is being credited to Muslim evacuees fund. The Government of India all this time has been spending crores of rupees on feeding these refugees, who are now being sent out to distinct places like Bikaner, and Bhopal against their wishes.

12. The law defining the term ' State Subject ' is being so interpreted as to prevent people of Indian domicile from settling in the State. But when it comes to Kazak from Turkestan, all these laws were put aside and they have been given full naturalization rights to settle in the Kashmir valley. Similarly, lakhs of Pakistanis have been allowed to infiltrate in to the State during the last four years. They have been helped to settle down in the State.

13. The accommodation of the people of the State, particularly in Jammu and Ladakh has greatly deteriorated during the last four and half years. New taxes have been imposed and the existing ones enhanced from two to five times with the result that their burden has become almost unbearable considering that the average income is about one-half of that in the rest of India and the burden of taxation considerably much more. The Government control over the transport and distribution of articles of necessity is telling heavily on the people. The burden of exorbitant customs duties continues to shatter our economy. A thing worth rupee one at Pathankot costs us above between thirty seven and fifty

percent that price in the State. Within the state, Government monopolies have replaced private enterprise to the detriment of consumers. The charges for transport of commodities to the different parts of the state fixed by the Government are much higher than the rates charged by the private transporters. The scope for private transport has been practically eliminated by the establishment of the Government transport department. There is no free competition. Petrol which is derationed through out Bharat is controlled in the same way in this state. This has not benefited the people at all except perhaps a few families of the ruling party.

14. The people of Jammu foresaw the dangerous results of the Government policies quite early. The President of the Praja Parishad brought these apprehensions and grievances also to the notice of the Government of Bharat. We have undergone all this suffering in the hope that it will end with the complete accession of the State to Bharat when we will all have the benefits of Indian citizenship including the protection of the fundamental rights which are guaranteed by the Bharat constitution. But that hope has now begun to change into despair.

When the elections to the Constituent Assembly for the State were ordered last year, we were given to understand that the Constituent Assembly would ratify the accession of the State to Bharat. We therefore prepared ourselves to take part in the election. But to our great disappointment, 41 out of 59 nomination papers of the Praja Parishad nominees were rejected on flimsy grounds and conditions were created through official pressure which made fair elections impossible. I appealed to Sheikh Abdullah as also to the Government of Bharat to hold an independent Judicial enquiry into the wholesale rejection of nomination papers of the Praja candidates and prevent the Government servants from abusing their authority by helping actively the National Conference candidates, so that the fears of the people regarding the partiality of the elections may be allayed, but no heed was paid to our requests with the result that the Praja Parishad was forced to boycott the elections under protest.

The Constituent Assembly is clearly a packed body and consists of the nominees of a single party. It is not a sovereign body. It does not represent the people of the State at all. The people of Jammu have voice in it. Moreover representatives of the State in the Bharat Parliament are the nominees of the Constituent. Thus we have no representation in the Bharat Parliament either.

15. The announcement made by Mirza Afzal Begh, a member of the Basic Principles Committee of the Kashmir Constituent Assembly, that Kashmir would be an autonomous Republic within the Bharat Republic with a separate National Assembly, President and Judiciary and subsequent speeches of Sheikh Abdullah has made it clear that National Conference wants a very loose relationship with Bharat and not full accession like other Part B States. Our hope that redress will come to us through the application of the Bharat Constitution in the entirety to the state has, thus been dashed on the ground. Our very existence as a self respecting section of the Bharat people is now in danger.

16. Furthermore the recent vital decisions, made by the Constituent Assembly, regarding the State flag and the termination of the ruling dynasty, have caused deep resentment throughout the state and particularly in the province of Jammu. From this it is evident that things in the state are drifting towards the creation of an independent republic.

17. The wholesale condemnation of the heroes and founders of the state has generally hurt the feelings of the people of the Jammu province, which indicates that the people of Jammu province in general are looked upon by the Party in power with contempt.

18. Those circumstances have forced us to approach your honour with the request which may look drastic but which is the only alternative now left to us. Leaving out consideration for the movement those parts of the state which are now under the illegal occupation of Pakistan, the Bhartiya held territory of the State is made up of the distinct regions, namely Jammu, Ladakh and the Kashmir valley.

19. The people of each of these regions are distinct people with different languages, culture, and history and definite territory. The Jammu region lies south of Pir Panjal range as far as the cease fire line at Suchetgarh and includes Doda and Paddar areas. This unit forms the core around which Maharaja Gulab Singh wove the present fabric of the Jammu and Kashmir State.

20. We of Jammu claim the right to determine our future ourselves. Had the Kashmir valley the most populous region, held with us the view that the State should accede to Bharat as one of the integral parts like other Part B States, we need not have made this demand. But now that we find that the State Constituent Assembly is taking decision for the entire State matters of fundamental importance to our future existence which run counter to our declared wishes, and are detrimental to our interests and those of Bharat as a whole, we are constrained to approach you for the protection of our

legitimate rights and interests. And whatever may be the view of other regions of the State about their accession to Bharat being limited only to a certain number of subjects, we of the Jammu province desire that we shall be united and integrated with India (Bharat) in the same manner as other Part B States have been. We claim that the people of Jammu province hold this view and that, if necessary, this can be ascertained and verified by any recognized democratic method through an agency independent of the present Kashmir Government.

We are glad to note from the speeches of Shri Kaushak Bakula that Ladakh holds similar views and demands similar rights for the region. Sheikh Abdullah is also reported to have said in one of his speeches, "If Jammu and Ladakh so desire they can decide to integrate with India and leave Kashmir valley free to have limited accession".

21. Being the descendants of those who sacrificed their blood and resources to build up this great and integrated State, it was our desire that the entire State including those parts which are still held by Pakistan, should form like other Part B States an integral part of the Republic of Bharat. To bring about this consolidation, we are prepared like our ancestors willingly and cheerfully to make the greatest sacrifice including that of life to reconquer for Bharat what rightfully belongs to her and us. But till that happens, we cannot agree with Sheikh Abdullah that like the Kashmir valley, we also should accede to our own Motherland with reservations.

22. Permit us in the end to request you to judge us and this our demand as coming from people, who have always been and shall always remain Bhartiya. This is our greatest pride. Imagine for a moment any other Part of Bharat whether in the east, west or south placed in that awkward predicament in which we are and then you are and the you will probably agree that the same demand would have been made by the people of that region. As children of Bharat, it is but natural that we should resist any move to keep us away from our motherland in howsoever small degree. As it is attempted to keep us substantially out of Bharat, we therefore, want to make it clear rather we shall not accept any such position. We want the entire Constitution of Bharat to apply to Jammu. We want to have the protection of the Supreme Court, we want to enjoy the fundamental rights as all Bharti's do, we want the same flag as is allowed to Part B States and not the red flag now selected by Sheikh Abdullah, and we want to be governed by the laws of the Bhartiya Legislature. This way lies the future of Jammu and we feeling our Patriotic duty to resist with all strength at our command attempts from whatever quarter made to thwart the full accession of Jammu with India".

It was on June 26th 1952, alarmed by the bells of dangers narrated in the foregoing resolution of the Praja Parishad, the Praja Parishad held huge demonstration outside of the Parliament house staging the protest against the callous attitude of Sheikh Mohammad Abdullah and his Government at the behest of Government of India and blessings of Pandit Nehru the then Prime Minister of India. Inside the Parliament, N.C Chatterjee, ridiculed the idea of Sheikh Mohammad Abdullah being followed as "Republic within Republic".

Dr. Syama Prasad Mukerjee delivered his speech in the Lok Sabha, on the alarming affairs of the State of Jammu and Kashmir, while his taking part in the General Budget- Demands for Grants, on June 26th, 1952, the contents of which as reported in Parliamentary Debates General Budget- Demands for Grants June 26, 1952 page 2570- 2583, are reproduced hereunder;

"One naturally would like to speak with some hesitation and consideration when some speaks about K, because we should not say anything or do anything which may strengthen the hands of Pakistan and also prejudice to the consideration of our case before the Security Council. Yet one considers with great misgivings the recent developments in Kashmir. And one would like to know where exactly India stands vis a vis Kashmir.

I specially request the Prime Minister to have some patience with those who differ from his policies in relation to Kashmir. It is no use our throwing stones at each other. It is no use of our calling each other as communalists or reactionaries. He should realize that on certain points there are fundamental differences between his approach and what we consider should be the national approach regarding this problem. It may be that after we discuss the matter in detail not only amongst ourselves, but with the representatives of Kashmir, we may be able to arrive at a satisfactory solution. Whatever I shall speak, I shall speak from the point of view. We are anxious to find a satisfactory solution so that Kashmir may remain within India so that the great sacrifice which India has made along with the people of Jammu and Kashmir during the last five years may blossom into fruits, which will benefit the people of the entire nation. That is our anxiety.

On the Constitutional aspect my friend Shri N C Chatterjee has spoken. I shall not repeat his arguments. It will be for Dr. Katju to answer as to how far strictly under the Constitution the recent acts of the Kashmir Assembly, and recommendations of that body, can be deemed to be justifiable and acceptable in view of the provisions of the Constitution. But I should beyond the limits of the Constitution for the time being. There is a question about flag. The Prime Minister the other day at the press conference tried to minimize the gravity of this decision taken by the Constituent Assembly. Sheikh Abdullah spoke today's back and said, "OH, of course, we will recognize the Union Flag."

There is no question of his recognising the Union Flag. The Union Flag is there in spite of any body, and that is the flag for free India. If you want to accept the principle that any state may have its own flag, you immediately create difficulties and you do not know where they may stop. It is no point saying that the Maharaja of Kashmir had his flag. I know the Maharajas in different parts of India have their flags. Our own Governors have their flags. The question is- can there be a State flag? Should India accept the position that barring the use of flag of the Union of India, any other flag should be allowed to be used? If I may use the expression when principle of monogamy is to be introduced here, it should be introduced in relation to the use of one flag for the whole India. You cannot have divided loyalty. Sheikh Abdullah has said,

"We will treat both flags equally".

You cannot do it. It is not the question fifty fifty. It is not the question of purity. It is a question of using one flag for whole of India, India that includes Kashmir.

There is no question of having a separate Republic of Kashmir having a separate flag

It is no small matter. I have no time otherwise. I would have read brilliant extract from the speech delivered by Pandit Nehru before the Constituent Assembly when he had the present flag of India accepted as the National Flag of the country. He expressed there in language which you cannot surpass, the sacred, the real significance of the flag not for one state, not for the portion of the people or that part of India and for the matter of that, for the free nation itself. So, that is the question where the Government of India should deal with the matter very firmly. The National Conference can have a flag. I have no objection to that. Sheikh Abdullah's argument is that we had shed so much blood: there has been so much suffering behind this flag.

Undoubtedly, let them keep the flag for the National Conference in Kashmir. No one objects to it. But when you work as the Government, no matter where you function, only one flag can fly and will fly and that is the flag of the free country, of free India

So far as the question of the Maharaja is concerned, the Constitutional difficulty is there. There is no question of deposing the Maharaja. It is an irony of fate that it is because the same cursed Maharaja who signed the Instrument of Accession, and that after that India sent troops to Kashmir which enabled Sheikh Abdullah to reign over that territory as the great monarch. If the Maharaja had fled away from Kashmir for whatever reason, then Indian troops would not have been sent, and then it is not the flag of the Maharaja that would be flying in India, it is not the flag of the Maharaja that would be flying today, but the flag of Pakistan.

So far as the position in Kashmir as October 27, 1947 is concerned, it is matter of history. There Mr. Jinnah was standing on the door of Kashmir, and as the Prime Minister said once,

"If we had been late by 24 hours, then Srinagar would have fallen, and who knows, history would have been written in a different way."

In any case, the Maharaja is gone. There is no question of the continuance of his autocratic administration. He functions as a Constitutional Head of Kashmir with his hands completely bound by a dignified rubber stamp. But you want that Maharaja should not remain in any part of India even as a Constitutional Head over a particular unit. Let it be done soberly, properly and Constitutionally. Let us consider the matter independent of any other issue. If the Parliament of India considers that the constitution of India should be amended and there should be no Maharaja's rule, there would be no Rajpramukh in any part of India. Let us discuss it. There are points in favor of it. There are points against it. There may be practical difficulties. There are already contracts made with them which are now enshrined in the body of Constitution itself. Let us see, let us discuss with those very persons and see whether we can find any way which may ultimately get rid of this Maharaja's rule from India altogether

About the princes- You can say much against them, but read the white paper which has been circulated which represents the policy of the Government of India regarding the States. Let us not forget the difficulties that confronted us.

When the British went away, they did two monstrous things. One was the partition of the country and other was the sudden withdrawal of paramountcy from nearly 500 states covering about one third of the Indian territory. No country was asked to face a situation such as we were in 1947. It was practically leading to chaos. Due to partition, various forces had come into play to which I need not refer, but Due to this latter act, sudden lapse of paramountcy and making 500 units sovereign states throughout length and breadth of the country, created such a State of affairs that one did not know how to proceed. And here one naturally recalls the name of the great architect of India's freedom, Sardar Vallabhbhai Patel. On account of his statesman like policy he fearless, realistic, courteous, Junagarh and bold whenever case demanded as to how he should act- succeeded by August 15th, 1947 in getting 497 of these states coming into the fold of free India. They came in what capacity? In respect of three subjects only foreign relations, communications and defense, because the British declared that so far as the States were concerned, they could go to India or Pakistan only in relation of these three subjects. It was deliberately done so as to add difficulties, but in any case, Hyderabad, Junagarh and Kashmir, all these 497 states came into the fabric of the Indian Union in relation to these three subjects alone.

Today Sheikh Abdullah speaks about Article 370. What is the history of Article 370 under the Constitution? I have got here the speech delivered by Shri GOPALASWAMY Ayyangar when the particular Article was accepted. I have no time to cover the entire speech, but since Sheikh Abdullah has referred to the speech in his broadcast the day before yesterday as if he got a charter from what Shri GOPALASWAMY Ayyangar said on the floor of the Constituent Assembly, it is necessary that we should reread the speech and find out with what objective we accepted this inclusion of Article 370 in our Constitution.

Forget not what was the picture of India. All these states had come into the Indian Union in relation to these three subjects alone. Then started the second phase. The second phase also was another grand performance of Sardar Patel. There was no question of forcing anybody. He sent for the ruling princes, because the Government of India then acknowledged that sovereignty, the rest of the sovereignty the residuary powers did vest in the hands of these individuals. He argued with them, he discussed with them and ultimately by the time the constitution was framed, almost all the States came forward and accepted the pattern of the new Indian Constitution, a federal structure with all the units accepting that the central Government will exercise its power in relation to all the subjects. Hyderabad and Junagarh had to be treated separately. Undoubtedly, there were varied States, Part A.States, Part B States and Part C states and now although they have all been united into one pattern, difficulties have arisen. We saw during the last one hour how one Member from one area got up and pointed out his own difficulties. I do not deny that: the difficulties are there, but the structure is there before us. With regard to Part B or Part C states, certain extra powers have been deliberately kept in the hands of the Central Government but in any case, all the units came into the structure of one Indian Union.

When this particular Article was placed before the Constituent Assembly, Hon'ble Member interrupted,

“ Why this discriminatory treatment was being given to Kashmir “.

And this is what Shri GOPALASWAMY Ayyangar said

“ The discrimination is due to special conditions of Kashmir. That particular stage is not yet ripe for this kind of integration. It is the hope, of everybody here that, in due course, even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in the case of other states “ (cheers).

After this statement, there are the words of “Chairs”, apparently from the Congress members of whom are today challenging the wisdom, questioning the right of Sheikh Abdullah to remain separated from India except in regard to these three subjects.

Shri Gopala Swamy Ayyangar then goes on developing this point further. He states what are the reasons; the first naturally is that a war is going on; secondly, the matter is before the Security and thirdly, the Constituent Assembly will sit in Jammu and Kashmir. Then he again repeats,

“I would like to assure the House, that we can only now establish an interim system “.

Proceeding further, he goes to state,

,”At present, the other provisions cannot apply to Jammu and Kashmir “

Then there is one other paragraph to which I would draw your attention, especially of the representatives of Jammu and Kashmir here in this house. This is what Shri GOPALASWAMY Ayyangar has stated ,

“If is not the intention of the Members of the Kashmir whom I took the opportunity of consulting before the draft was finalized, it is not their intention that the other provisions of the Constitution are not to apply. Their particular point of view is that these provisions should apply only in cases where they can suitably apply and only subject to such modifications or exceptions as the particular conditions of the Jammu and Kashmir state may require. “

This is to say, even at that stage, Members of the Kashmir Government made it clear that although there might be some lapse of time, some delay, but ultimately, they also were thinking of some sort of fuller integration with India. That is the major question. I was glad the Prime Minister the other day in his speech at the press conference emphasized this aspect. The Maharaja's thing is there, the flag is there but we can deal with them. They are comparatively major points, I say comparatively, I do not ignore their importance, but the major issue is how is Kashmir going to be integrated with India? Is Kashmir going to be republic within republic? Are we thinking another sovereign Parliament within the four corners of India barring this sovereign Parliament? That is the claim of Sheikh Abdullah and we contest it.

Are we thinking of the rights of the Kashmir people to get whatever they can from India and not to give anything? Money, resources, roads and bridges, all to be taken? Is it a question of give and take or it is a question of take and not give? That is the question which has to be decided now. What is going to be the attitude of the people of Kashmir? We have proceeded upto this basis now that we may carry the people with us. I would beg of the Prime Minister this much. Let him exercise that statesmanship that strength of will and the determination as Sardar Patel exercised. Let us know clearly what is in our minds, first of all, as to what we want. If you just want to play with the winds and say “We are helpless and let Sheikh Abdullah do what he likes “. Then Kashmir will be lost. I say this with great deliberations that Kashmir will be lost. If on the other hand, we should make it clear in our mind that we do not want any individual pattern for Kashmir, we can think of only one pattern which we after great deliberation evolved in this Constitution, then you must find, peaceful ways of persuading our friends in Kashmir that their safety, our safety and our common good require that Kashmir should come and fully integrated with India.

Kashmir has come in relation to three subjects alone that we want. In this connection, I shall just quote a small extract from the white paper containing the policy of the Government in regard to these states, as regards the way in which the States and provinces should integrate with India. This question is taken mainly from the speeches of Sardar Patel, which sum up the position in a nutshell. There is put forward the demand which we are also putting forward. That statement comprises the Government policy. Paragraphs 243 and 245 of the white paper on the Indian States, which embodies the policy of the Government say,

“ The Congress agreed to a central authority limited to the most essential subjects and to vest all residuary authority not only in the states but also in the Provinces, to avert the threatened disruption of the country. With the recession of the Muslim majority provinces of India the raison d'etre for an attenuated center disappeared in so far as the relationship of the centre with the province's was concerned. As regards the State's, with the rapid demolition of the barriers which separate them from the Provinces, the question the Constitutional relationship with the centre appeared in a new context

This altered the whole background and gradually the position veered around to a federal structure with a unitary bias providing for a centre strong enough to develop the resources of the country and to help against the disruptive forces.”

Thus in six or seven sentences, the entire principle is embodied. I claim that these principles have got to be applied to the people of Jammu and Kashmir, that being one of the units in Indian Union, under Article 1 of the Indian Constitution. In a democratic federal state, the fundamental rights of the citizens of one Constituent Unit cannot vary vis a vis the citizens of the other unit. Are not the people of Jammu and Kashmir entitled to the fundamental rights that we have given to the people of India minus Jammu and Kashmir?

There is no scope for the varied Constitutional patterns, disparities as between one federating unit and another, the Legislative and executive authority of the units in respect of the State will be coextensive with a similar authority in and over the Provinces, subject to certain adjustments during the transaction between the provinces, and that the states and the centre must also come under one authority. The Auditor General of India must have fuller control over the audit systems in the states as also the provinces. The jurisdiction of the Supreme Court must now extend to the

states to the same extent as in the case of the provinces. The High Court's in the states are to be constituted as that they will function in the same manner as the Provincial High Court. All citizens of India, whether residing in states or provinces, must enjoy the same fundamental rights and the same legal remedies to enforce them. In the matter of Constitutional relationship with the center and in internal setup these states must be at par with the provinces.

That is the question that we have to settle. We have declared our policy that there must be one setup. You may treat differentially in respect of certain matters in a special way with regard to the affairs of Jammu and Kashmir. There could not be compromise on that issue. The Supreme Court must function as the highest court or Tribunal in the whole of India, including Jammu and Kashmir. The Auditor General's Writ must function in the whole of India, including Jammu and Kashmir. There are important issues which should be conceded.

Who made Sheikh Abdullah the king of kings in Kashmir? Who made Sheikh Abdullah a great authority? It is because the Indian troops went there and worked with the cooperation of the people of Kashmir. Did we do it for the purpose of creating a sovereign Republic within a sovereign republic? Let me ask the question categorically. We would like to know what exactly are the feelings of the people of Jammu and Kashmir. I have got with me certain reports- but time will not permit me to go into these details- which are coming from Jammu and Kashmir regarding the discriminatory manner in which that Government is carrying on its functions. It is painful for me to make these allegations on the floor of the house, but I do so for this reason that the Prime Minister may at least hold an enquiry and not simply brush them aside as some arguments being put forward by the communalists and reactionaries. We will not permit him to do so. He must go into each one of these questions and satisfy himself as to whether the allegations made are true or not.

If I just refer to some of the points, what about Civil rights? Is the House aware of that old Defence of India Rules promulgated by the British Rulers for the purpose of crushing the freedom of the people of this country still continue without change of a single comma or semicolon, and still function in their free domain of Jammu and Kashmir. How many hundreds of people were arrested under the provisions of that law? Why any change sheets was not given to any of them? Was the case of any single person placed before the Advisory Committee? The Public Security Act is applied in the case of a person who complains that the people are dying for want of food, and even the courts in Kashmir cannot convict them because the Public Security Act cannot apply in such cases. I have here got the names of the newspapers which have been suppressed in Jammu and Kashmir, newspapers which are not allowed to go to Jammu and Kashmir from India.

What about education? During the time of the current Maharaja, there were at least Urdu and Hindi. Both got the same place. Hindi has disappeared from Jammu and Kashmir today. There is a Hindustani only where the script is, no doubt, in Devanagari, but so far as the content is concerned, it is nothing but Persianized Urdu. I shall present a copy of this book to Pandit Jawahar Lal Nehru. I have shown it during the last three days to number of friends who know something of Hindustani or Hindi a very few of them have been able to understand many of words which are used in this book, a book which is compulsorily used for all people in Jammu and Kashmir today. Hindi has disappeared under the secular leadership of Abdullah in Jammu and Kashmir. No one reads Hindi there today. I shall make a present of this book to Pandit ji. He may kindly see it and I say with all his knowledge of Hindustani, he may be of your friend have found it difficult to understand.

It is a book published by the Text Book Committee in Jammu and Kashmir of which Sheikh Abdullah himself is the Chairman, a Textbook Committee which according to the secular character of that State, does not include one single Member of the Minority. It is all Muslims and one or two European who, no doubt- are the best interpreters of what sort of education she imparted in Jammu and Kashmir. Now in this book, there is one expression like this for "Rights of women", it is given as "ourton ko talak aur Khulla lene ka hak hoga".

It is a textbook compulsory for all, where the right of the women in Jammu and Kashmir will be "Talak" the rights of divorce. Of course, those who want it can have as many marriages and divorces as they like and remarry. So far it was "Talak" alone, now is "Khula" also. You will read and digest it. So far as "Khula" marriages are concerned, I am told that they have some form of contractual marriages- where you can live as a husband and wife for a short while and Separate. That is the great right which is being held out to the women of Jammu and Kashmir.

Now, so far as the boundary is concerned, I may just give you a few illustrations. With regard to the boundary, the Udhampur district whining the province of Jammu has suddenly been divided into two parts. It has remained as one

district for years. A district which had a Hindu majority has now been divided and a portion of it facing the Kashmir valley has been turned into a new district with Muslim majority. Now that has been done without taking a plebiscite without taking the opinion of the people. If there is any plebiscite on a zonal basis, then at least that area of Udhampur district which is very fertile may go to the Kashmir valley.

Now I will bring this to the notice of the Prime Minister Sir, I know he is getting impatient. I am sorry, but one has to face this.

Now, Sir there was Trust known as Dharmarth Trust with several lakhs of rupees, which was created by Maharaja Gulab Singh and there was quite a large area of land attached to that Trust. It was meant for the religious activities, education and for helping poor people. Now what is the condition of that Trust? Most of the land has been taken away and the money is being frittered away.

Regarding the Government services, posts are being advertised reserved for Muslims. Is there any other state or administration where the posts have been reserved for the majority community? Even officers are encouraged to join the National Conference. They are allowed to join as members of the political party and they also hold administrative jobs. It is an unheard of thing. If you have officers like those who will also be directly concerned with a political party, naturally what the consequences will be, you can realize.

Take again, sir, the refugees question. You know we discussed it the other day. Thousands of Hindu refugees from Jammu and Kashmir are being settled in India. Why cannot they be given land in Jammu and Kashmir? Why should people from outside be brought and settled there? They also indicate a discriminatory policy.

Then you have the permit system. You have the Custom duty. You have the old rights in the Maharaja's time, restricting rights and privileges, under which an Indian could not go and live there with equal rights with others. Those rights are still continuing- restricting the liberty of Indian citizens to enter and settle into that area. I have got both the copies with me. One was distributed in Jammu and Kashmir officially, and so far as India was concerned, the version was different. Certain portions were taken out which might not be liked by the people of India. This was done in a very clever way, I have got with me copies of both these communiques issued by the Jammu and Kashmir Government- one for the Indian consumption and one for the consumption at home

I do not wish to continue my speech longer because I have exceeded my time limit, but the only thing which I would say at the end is what is the remedy? What is the way out? Under the Constitution as we have provided, we cannot compel Jammu and Kashmir acceded in respect of other subjects unless Jammu and Kashmir agrees, the Constituent Assembly agrees. That provision is there, I can understand my communist friends. They have been from very beginning for the dismemberment of the country. They started this by supporting the Muslim League and they have supported Pakistan. I do not blame them. Now a strange position has been created. Dr Katju, the Communist Party and Sheikh Abdullah stand on the same platform today. Yesterday Dr. Katju told me that a man is known by the company he keeps. Dr Katju knows that the Communists Party today is supporting Sheikh Abdullah.

What is my constructive suggestion at the end? I have one constructive suggestion to make. Persuade Sheikh Abdullah and let us all come to a private conference. Let us discuss the whole question. We are anxious that Jammu and Kashmir should come to India just as any other state has come. Let us know what special precautions he wants. But let him say that the people of Jammu and Kashmir are Indian first and Kashmiris next

The Prime Minister must firmly assert that we do not want this kind of Kashmiri nationalism and we do not want this sovereign Kashmir idea. If you start doing it in Kashmir, others also will demand it. The south is asking for separation from north. Other provinces may come and say "we will remain with Indian Government only in relation to these three subjects." Persuade them, but if Kashmir does not agree then you give freedom to the people of Jammu and Ladakh to decide what they think best for their territory. I have got with me from the leader of Ladakh a copy of letter, which has been sent to Pandit Jawahar Lal Nehru. He has sent a copy to me as President of the Mahabodhi Society. In it he demands specifically and says

"if Kashmir valley does not wish to integrate with India, give them at least the same right of self determination and the opportunity to decide their safety lies in remaining with India"

That is the alternative which I would offer to Pandit Nehru. Let him devise a scheme, first of all whereby Kashmir may not have to be divided.

We do not want Kashmir to be divided. On the other hand, we want that the lost territory within Jammu and Kashmir should be brought back within Jammu and Kashmir- the territory which is now in the hands of Pakistan. But if Sheikh Abdullah is completely intransigent and if he says

“ I shall not come within India except in respect of the three subjects “.

Then at any rate let us devise a scheme by which the people of Jammu and Ladakh may have the full liberty to decide whether they will integrate fully with India. Let him have a loose integration only with regard to the Kashmir valley.

I do not want partition and I have repeatedly said that. If Pandit ji can exercise his influence, his goodwill, his power of persuasiveness and whatever he possesses and thereby Persuade Sheikh Abdullah and others to remain with India as a Constituent Unit in accordance with the sacred principles, which have been repeatedly declared and which are contained in the White Book, then I have no objection. If not, do not drag large number of people of these other provinces who are desirous of remaining within India - do not drag them to the same fate as Sheikh Abdullah would like to grab the to.”

On the same date Shri N.C.Chatterji also delivered his speech on 26th June 1952 and recorded on Parliamentary Debates ,General Budget- Demands for Grants, Vol.2 Part.II June 26th 1952, Pages 2530- 2533., the extract of which is reproduced as;

“ The most tragic thing which has happened Indian history was this offer of plebiscite, which should never have been given. I maintain and I say with all earnestness that under the law.. Under the Constitution, accession of the Dominion of India Under section 6 of the Government of India Act 1935, as amended after the Indian Independence Act 1947, was final and irrevocable, and there ought not to have been any question of plebiscite. Under our Constitution too , Kashmir is an integral part of India. Under Article 1, the Indian Union consists of a federation of States and it is a Part B state. But the unfortunate thing is that the Constituent Assembly is doing something there much against the spirit of our Constitution. If Sheikh Abdullah cannot be brought to senses, if he stands for republic within the republic. Have you heard of republic within a republic? If we allow it to be done, tomorrow, the Constituent Assembly of Kashmir may say, “ we shall cease to be a Part B State. They cannot do that, I maintain under the Constitution. Day after tomorrow, they will come and say. “ we shall not accede to India even in three matters- defence, communication, and external affairs “ I maintain that can not be done. Once you allow this Constitution to be tempered within that manner, you will be setting a dangerous precedent. If the Parliament or Prime Minister of India or the Government of India cannot induce the Constituent Assembly or Sheikh Abdullah to come to senses, if they are determined to say, “We shall be a republic within a republic ,we shall have a separate flag of our own, we shall have an elected Head or President, we are going to recognize Article 377 or other provisions of the Constitution. It would mean an abridgment the power of this Parliament.”

Kashmir Day was observed on the call of the Bhartiya Jana Sangh on 29th June 1952, with great enthusiasm all over the country. There was a very favorable response from the press and public across the country, which made Pandit Nehru to sit up and take notice. Dr. Syama Prasad Mukerjee addressed a mammoth rally at Delhi. Disturbed by these developments, the Prime Minister, Pandit Nehru felt compelled to summon Sheikh Mohammad Abdullah the Prime Minister of Jammu and Kashmir to Delhi to devise ways of blunting the speeded up Kashmir movement at national level led by Dr. Syama Prasad Mukerjee, and possibly also to ask Sheikh Mohammad Abdullah to practice some moderation in speech, if not actions. The Sheikh first hedged by sending a team of his henchmen, then thereafter himself came over to New Delhi on 16th July 1952.. However the hopes shattered when it was observed the failure of Pandit Nehru to drum some sense into Sheikh, but Sheikh managed to twist Nehru to extract more concessions from the Government of India in shape of much publicized branded as Delhi Agreement which was nothing less than draconian in nature . Pandit Nehru conceded to him the right to have controversial separate citizenship, a separate flag, an elected head of the state in place of hereditary Maharaja and a separate Constitution. In return Sheikh Mohammad Abdullah gave nothing to the Government of India except vague promises hedged with a lot of ‘ is and buts’. This agreement between Jammu and Kashmir Government and with the blessings of Pandit Nehru with the Government of India came to be known as Delhi Agreement of July 1952. It was indeed a tragic to see how Pandit Nehru, who otherwise was an autocratic in his cabinet but allowed himself to be made putty in the hands of Sheikh Abdullah.

It was on 5th of August 1952, the Prime Minister Pandit Jawahar Lal Nehru being also the Minister for External Affairs by moving a motion on the situation in regard to the State of Jammu and Kashmir had made statement in the

Council(Rajya Sabha) according to the Chairman of the House “ The Prime Minister may move the motion which stands in his name. The only appeal I would like to make to you that the situation with regard to Kashmir is in a very delicate and fluid condition. The United Nations’ representative is meeting our Ministers on the 25th and the Assembly in Kashmir is meeting on the 11th. I hope that no careless and loose words will be uttered and that, with your usual restraint and sense of responsibility, you will discuss this matter.”

The long speech of the Prime Minister shall be reproduced in separate chapter on Parliament Speeches ,correspondence and Documents relating to fluid situation of the Jammu and Kashmir State.

Dr. Mukerjee could see that the concessions granted to the Sheikh amounted to limiting the applicability even further of the Indian Constitution to the State of Jammu and Kashmir, and overriding the sovereignty of India in respect of on of the Constituents. He also felt that these were the first steps towards Constitutional disengagement of the State from India, which could be exploited by the disruptive forces elsewhere (as has been witnessed, the terrorism in Kashmir, Mumbai, Delhi, and the Hurriyat and other aberrations). He got an opportunity to give vent to the feelings and ideas on this agreement in the Parliament on August 7th 1953. He put several questions to Nehru- the first about the areas of the State forcibly occupied by Pakistan and second about the areas ruled by Sheikh Abdullah. Regarding the first, he added “is there any possibility of our getting back this territory? We shall not get it through the efforts of U.N.O., we shall not get it through peaceful methods, by negotiations with Pakistan. That means we loose it unless unless we use force and the Prime Minister is unwilling to do it. Let us face facts- we are prepared to loose it? And further, in an oblique reference to Nehru's refusal to help the beleaguered Hindus under Islamic prosecution in East Bengal, “ The Prime Minister said the other day that even if Kashmir had not acceded to India when Kashmir was attacked by the raiders , on humanitarian grounds the Indian Army could have marched to Kashmir and protected the distressed and oppressed. I felt proud. But if I make a similar statement, or even a similar suggestion for the purpose of saving the lives and honour of nine million of our fellow brethren and sisters- through whose sacrifices, to some extent at least, freedom has been achieved. I am a communalist , I am reactionary, I am a warmonger.

Dr. Mukerjee further said, “ May I ask- was not Sheikh Abdullah a party in this Constitution of India? He was a member of the Constituent Assembly of India, but today he is asking for special treatment. Did he not agree to accept this Constitution in relation to the rest of India including 497 states. If it is good enough for all of them, why should it not be good enough for him In Kashmir?.

Nehru, of course had no answer to these questions and therefore took recourse of evasion and parroting in his customary manner, about the special ‘ Special Status ‘ of Jammu and Kashmir State. He convinced none, not even his own party men. However he tried a different tactic this time to hide his discomfort on the substantive question put to him by Sr. Mukerjee. He resorted to outright condemnation of the Praja Parishad as an organization. He shouted that the Praja Parishad had no following or locus standi among the people.

Praja Parishad Convention At Jammu on 9th And 10th August 1952.

On the invitation of the All Jammu and Kashmir Praja Parishad, Dr Syama Prasad Mukerjee accompanied by U. M. Trivedi, Babu Ram Nayayn Singh, Members of the Parliament Balraj Madhok as well as press representatives left Delhi by Kashmir Mail on 8th August by third class seats surprising all upto Pathankot and by car thereafter upto Jammu. He was greeted by thousands of workers on his way .Dr. Mukerjee also on his way delivered encouraging speeches. Pandit Prem Nath Dogra had also come over Pathankot from Jammu. No sooner Dr. Mukerjee set his foot on the land of Jammu and Kashmir state at Lakhanpur, the crowd burst out resounding slogans, Bharat Mata Ki Jai, Kashmir Bharat ki Ang Hai, Ek Desh Mein Do Vodhan, Do Nishan Do Pardhan Nehi Challen Gai.

In His Speech at Kathua Dr. Mukherjee said “ Before I left Delhi, many Congress friends had told methat I should not visit Jammu because Praja Parishad had no following among the people. I would ask them to come here and see whether Praja Parishad has following or not. You want Indian Constitution, you want Indian flag, you want Indian President to be your President. These are just Patriotic demands. They have to.bemet. so far as I am concerned, I can. only assure you that I will do all I can “. He further shouted “ Hum Vidhan Lenge Yah Balidan Denge”. The seventy miles journey from Kathua to Jammu was a continuous procession. All along enroute people hailing even from were waiting to greet a tallest opposition stalwart from the nation especially who responded to their appeals and had come to understand their feelings and sentiment, their woes and their problems. The route from Kathua to Jammu was full of welcome arches carrying photos of Loin of Jammu Pandit Prem Nath Dogra also titled prominently State Kesri.

He addressed mammoth rallies at Hira Nagar and Samba finally reached Jammu late at about 7.15 P.M. In a flower bedecked jeep, Dr Mukerjee reached Jammu Tari Bridge, the then out post of Jammu, where an ocean of humanity greeted him with loud and resounding “Jai- s”. The two and half miles route from Tawi Bridge to Kacchi Chowani Pandit Prem Nath Dogra's residence, Dr Mukerjee's host was tastefully decorated and whole the city was having hope from Dr.Mukherjee. On reaching finally at 11 P.M. Dr Mukerjee had become fully convinced of the popularity and strength of Pandit Prem Nath Dogra and of the Praja Parishad organization he headed.

Within a few minutes of his arrival, the Deputy Commissioner of Jammu visited Dr.Mukerjee by conveying a message from Sheikh Mohammad Abdullah inviting him for visit to Srinagar next day for talks. Sheikh Abdullah, it appeared, had been informed of the changed atmosphere by the State machinery. At this Dr. Mukerjee accepted the invitation on the condition that he will comeback on the same day to enable him to keep his other engagements. Dr Mukerjee gave his advice and guidance to Praja Parishad convention.

Dr Mukerjee by noon of 10th August called on Sheikh Abdullah at Srinagar and held long meeting of six hours with him and Bakshi Ghulam Mohammad the Deputy Prime Minister of Jammu and Kashmir. Before leaving for Jammu by car, Dr. Mukerjee also met the Yuvraj. Karan Singh, who was being pressed to become the Sadar-i- Riyasat i.e the President of the Jammu and Kashmir State. Dr. Mukerjee thus left Srinagar at 8 P.M.on 10th August 1952 and after having a short rest at Batote reached Jammu by 9 A M on 11th August 1952 with his scheduled return to Delhi on the same afternoon.

Though there is no records as to what exactly transpired in the aforesaid meetings at Srinagar on 10th August 1952, but afterwards it came to be known that at one point of time during the course of these talks, Sheikh Mohammad Abdullah began to get overbearing and softened by Bakshi Ghulam Mohammad, Dr Mukerjee on his part did condemn the communalist approach taken by Sheikh Abdullah and told him on his face that his policies and utterances, look more like Jinah, who refused to accept a strong Centre or even a weak centre on the plea that it will be controlled by Hindus. He particularly advised him not to take any hasty steps about the separate flag for the state, a subject on which the people of Jammu had very strong feelings.

After reaching Jammu, Dr Mukerjee met Pandit Prem Nath Dogra, and some other top leaders of the Praja Parishad whom he gave gist of talks with Sheikh Abdullah. Pandit Prem Nath Dogra reminded Dr Mukerjee of the temper of the people, he had met and conveyed the temperaments of the people demanding some sort of direct action, such as Satyagraha. Dr.Mukherjee said at that juncture that he is going to meet the Prime Minister, Pandit Nehru and will place before him the fact and his reading of the situation. Within the State he advised leaders of the Praja Parishad to concentrate on organizing and educating the people. Dr. Mukerjee hoped that better counsel would on separatist policies and ensure them and the fifty thousands people gathered to listen him on the occasion that he would lend his any support to any action they might take. The special correspondents of Statesman and Hindustan Standard, who had gone to Jammu and Kashmir with Dr Mukerjee to study the situation, while writing about their visit said that Dr Mukerjee had done his best to pacify his people whose impatience had reached the highest degree and thereby reached to render great service to the cause of mutual understanding and peaceful settlement.

Historical Satyagraha

It was on 17th November 1952, Yuvraj Karan Singh took oath as the first Sardar e Riyasat of the State of Jammu and Kashmir aftermath of the abolition of the Dogra heritage ruling dynasty, the subject which is taken as the cause of starting point of such Satyagraha.

The Praja Parishad launched its first formal Satyagraha demanding complete integration of the State of Jammu and Kashmir on 14th November 1952, raising the core demand of movement to have no special Constitutional provisions and a separate flag for the Jammu and Kashmir State. Popularly, the sloganeering in Hindi to reflect these demands which became the battle cry for Praja Parishad's agitation was “ Ek Deash Mein Do Vidhan, Do Nishan, Do Pardhan, Nahin Chaleinge, Nahin Challenge.”

The political organization's first success emerged on 17th November 1952, when Yuvraj Karan Singh, the only son of Maharaja Hari Singh took oath as the first Sardar e Riyasat (President of the State of Jammu and Kashmir) at Pologround in Srinagar. A separate flag for the State of Jammu and Kashmir was to be unfurled at the Government Secretariat in Jammu as well but due to the strong protest of Praja Parishad this could not be done. Pandit Jawahar Lal

Nehru, the Prime Minister of India rushed armed police contingents to the State of Jammu and Kashmir to help Sheikh Mohammad Abdullah as support to Crack down on Praja Parishad..

On 26th November 1952, Pandit Prem Nath Dogra and 68 other leaders of the Praja Parishad courted the first arrest under this movement in Jammu after addressing a public meeting demanding for hosting tricolour national flag.. These arrests further entailed immediately by a lathi charge on the crowd and arrest of seven more members including Shri Om Parkash Mengi, the President of the party's Jammu Unit. This agitation further swelled to Kathua, Samba, Udhampur and other Parts of the state because of the police excesses, atrocious conduct towards the Praja Parishad workers.

On 2nd December 1952, the State Police fired on the protesters in Udhampur, leaving around 300 injured, but there was no casualty. More than 50 people were arrested. Even prior to it, lathi charge at Udhampur was resorted to on 29th November 1952, resulting several injuries to number of women. The leading women members of Udhampur were said to be Shrimati Durga Devi wife of Shri Mansukh, (Grandmother of BJP leader Shri Pawan Gupta), , Shrimati Shanti Devi wife of BJP stalwart Lala Shiv Charan Gupta (mother of BJP leader Shri Pawan Gupta), Shrimati Bhagwati Devi wife of Shri Dina Nath Kalsotra famously known as Shri Dina Mahasha. The worst features of these atrocities against women was the the police sent at Udhampur after dozing them spirituous drinks so that they may handle the women Satyagrahis in a cruel and senseless manner and let loose terror amongst the agitating people must men and women.

Exactly after a month of the beginning of the agitation, it recorded its casualty of Shri Mela Ram at Chhamb on 15th December 1952, who was shot dead by the Police, while he was trying hoist Indian tricolour flag at the headquarters of Chhamb Tehsil. More than 30,000 people participated in his funeral indicating solidity and wide spread influence from the depth of heart of the people towards the ongoing movement. The Government at the first instance remained on denial mode but when such funeral witnessing more than took place occasioned by bringing his mortal remained to Jammu, the Government was forced to concede officially the same thereafter.

On 29th December 1953, three more Satyagrahis namely Baba Krishan Dass, Baba Ramji Dass and Shri Beli Ram were shot dead when the Police opened fire on the peaceful procession at Sunderbani, a small town situated on west of Jammu at a distance of 25 miles. Their dead bodies were clandestinely cremated by the police itself and even the ashes remained were not handed over to their next heirs. Here in this case too at the first instance the Government authorities remained on denial mode but at the later stage they were forced to concede the brutal killings of the Satyagrahis upon tracing of their full particulars, i.e their names with full addresses. The only sin of these Satyagrahis was that they were trying to unfurl the tricolour at Sunderbani Tehsil Headquarters.

Praja Parishad workers further made efforts to expand the areas of agitation nationwide. With this object behind on 18th and 19th December 1953, the Praja activists reached and distributed its movement concerning pamphlets at the Congress Party's annual convention at Hyderabad in presence of the then Prime Minister of India, Pandit Jawahar Lal Nehru and the National Conference leader and the then Prime Minister of Jammu and Kashmir State, Sheikh Mohammad Abdullah.

In the meanwhile the Sadr-i Riyasat of the State of Jammu and Kashmir had also written to the then Prime Minister of India Pandit Nehru on 4th January 1953, " It has been one and half month since the movement had started but I feel that no positive steps have been taken so far by the Government. "

On 11th Jan 1953, i.e two days before the famous Lohri festival of Jammu region, the police fired upon a March of more than five thousands people at Hiranagar. The demonstrators wanted to submit their memorandum to the then Deputy Prime Minister of Jammu and Kashmir Bakshi Ghulam Mohammad, who was to take visit of Hiranagar. In consequence of such firing two persons namely sravsri Bikham Singh and Bihari Lal were killed besides more than 70 persons were left injured grievously. The police clandestinely burnt the dead bodies of the dead which half burnt were found in a nallah near Pakistan Border the next morning. According to the facts finding report submitted the people's party 13 more persons were missing and 20 more injured as a result of this firing of 11th January 1954

Again on 30th January 1953, another incident of police firing at village Jourian, 30 Kilometers west of Jammu was noticed on the procession of 3,000 people assembled, who hailed from the adjoining village. The said procession was first tear gassed and thereafter fired on a group of persons carrying on the dead body of a woman who had succumbed to the injuries caused due to police lathicharge resorted to on 29th January 1953, which was being taken for her last

rites. According to the official report, persons, namely Sara Srinagar Basant Chand, Nayak Chand, Baldev Singh, Taylor Chand and Warriyam Singh had died, in police firing, while leaving 235 injured. According to another report of Sardar Bachan Singh Panchi, who was deputed by the State Akali Dal to visit the place, and to ascertain the true picture of the incident, had reported that large number of persons were missing. The full particulars of some missing persons have also been traced who are suspected to have died in police firing. The number of the injured according to the said report exceeds one thousand. Not a single body of the said was handed over by the police to the next of kin of the deceased.

On 1st of March 1953, three protesters namely sarvasri Shivaji, Devi Saran and Bhagwan Dass were killed in police firing at Ramban Court complex because of the reason that they were trying to hoist the tricolour there.

Excesses on women

The worst part of this campaign of repression was the cruelties and wrathful perpetrated on the women sympathizers of this movement.

A women procession in Jammu on 11th December 1952 was reportedly tear gassed and lathi charged as a result of which a number of women including minor girls were seriously injured. Even one girl remained unconscious for 12 hours and another remained admitted in hospital because of her precarious conditions. Two leading Satyagrahis of the procession also became unconscious because of such teargas and lathicharge and despite of their serious conditions the police carried them in jail inhumanly.

On 6th January 1953, the police arrested four female Satyagrahis, who were leading the procession in Jammu city, and lodged them in police lockup for the whole day without food and water, mercilessly by beating and abusing in filthy language. At dead night striking 11 P.M they were brought out and thrown in the open roads.

On 17th January 1954, three girl students of Mahilla College were abused, manhandled and assaulted by the Police Inspector while dragging them by hair.

On 26th January 1953, 10 female Satyagrahis, who were picketing at the Bus Stand were manhandled by the Police. A Police Officer even abused in the most filthy language. Their leader Kumari Sarda was arrested. As a result of this ill treatment in jail she fell ill. When her condition became more precarious, she was thrown out of the jail without medical treatment in her merciful unconscious state.

On 27th January 1953, the police raided the house of a Numberdar in village Rothua during the dead night at 2 A.M., when he was not at his home. In absence of the said Numberdar the ladies alone at their home were stripped of their clothes, criminally assaulted them and put them in jail. They were again maltreated in Jail also.

Search And Loot of Police/ Administered of the, area of Jammu and Kashmir .

On 3rd February, 1953, the Police raided the Gho Manhasan in Jammu, and by entering into the house of one jailed Satyagrahi looted 12 tolas gold and Rs 500 from his safe. His wife was manhandled and the maid servant in said house was naked and assaulted by the police.

Ten women of Udhampur went on hunger strike in protest against the ill treatment met out to the Satyagrahis, more particularly females inside and outside the jails. The Police with the object of let loose reign of terror on Satyagrahis, dozed the police personnel with alcoholic drinks to manhandle these women cruel and senselessly.

Since the ignition of the noncooperation and civil disobedience movement, the second phase of Satyagrahis, Kashmir's Militia had Police had let loose a reign of terror across the Jammu region.

In Gho Manhasan village of Jammu Santop Mahajan was threatened in his house by the Police and took away 3 pairs of earrings along with Rs 200. This apart severely assault of Kartar Singh resulted the fracture of his knees and suffered severe wound in the interior of his mouth. Sansar Singh Chib was also injured.

In village Kunkerian the police raided a number of houses and threw out the belongings of one arrested Satyagrahi. Shri Mewa Singh

On 8th February 1953 the house of Pt. Ahey Ram in village Gajansoo was raided and their households were thrown out.

On the very day in the afternoon at village Saharan, the houses of Sarvshri Baldev Singh and Fakir Chand were raided and six Harijans were severely beaten by the Police.

In Karloop village also the houses of Sarvshri Shri Ram, and Nand Lal were raided and their keys were snatched and taken away

In village Plora Har Mukundpura house of one Ram Chand was searched and 2 today gold ornaments and rs 20 in cash were taken away, severely beating two persons stood in resistance.

On 7th February 1953, the house of one Chajju Ram of Grota village was searched and its inmates immorally harassed

In village Seri Panditan the house of one Pandit Sita Ram was searched and his family members were abused in filthy language. A neighbor was also arrested after manhandling though later let off..

Police searched house of Shri Ram Chand in village Palwal, the houses of Munchi Lal, Chaman Dass and Dheru Ramin village Kot. The police here arrested a minor girl of ten years as well as Post Master who were taken to village Domana and there both of them released after being severely beaten up.

On 9th February 1953, in village Paryal, the house of Shri Budhi Singh was damaged, his son named Koer Singh and sister were severely beaten in his presence including himself and rendered him bedridden, he was arrested too. The police while leaving the place took away Rs800 in cash. In another house of the village of one Vakil Singh, which was full of goods and sweets all being prepared for the marriage of his daughter were seized and taken away including cash of Rs 300.

In village Laddora house of one Shri Diwan Chand was raided and his brother beaten up, including a Harijan fellow standing nearby. From this village the police looted tins of kerosene oil and other fuels of full truck load.

On 11th February, the Police again raided Gho. Manhasan and Rathoa and the houses of Kaka Ram, Choudhry Ram Lal Tempo Rajura Yogi and were beaten up by taking away all their valuables

On 13th February in village Marh the house of one Shatrugun was raided wherefrom the police took away ornaments of women besides mousetache of one Chajju Harijan as well as his head hair were razed.. Urge Harijan was arrested but released on gratification of Rs40.

On 14th February, the police raided village Grohta, where it raided the houses of Kavi Raj and Chajju Ram. The police so spread anachronism on becoming irritated on the complaints of villagers before the court March 22, that it repeated its atrocious behavior more severely on March 24. The people of the villages fled away being remedy less in the atmosphere of terror and chaos. The police had mercilessly beaten up Dhani a Harijan, Shiv Ram Langah, Chhetro Das, and Ram Dass. Such a scene of terror was regarded most worst than the acts of Pakistani raiders in 1947.

On March 20th 1953, 28 Satyagrahis were arrested in a procession at Billawar, who were severely beaten up and kept in a severe cold without any clothing food and water whole night. At Billawar an army and who was severely beaten up by police succumbed to injuries on 19th March 1953.

In Ramkot area Kashmiri Militia raised by Sheikh Abdullah Government aided by police in large contingents storm into the peaceful villagers mercilessly beat up men and women, looted their all valuables by letting loose the reign of terror and chaos to enforce the Writ of Sheikh Abdullah's leadership in Jammu region having no following nor he was being recognized as their leader because of his communal credentials of the past.

The atrocities of Kashmir Militia duly aided by the police so deputed by Sheikh Abdullah Government, went to such an extreme that;

A maid cook of Rachpal Singh of Jammu Tehsil was mercilessly naked during the search of his house,

The skulls of two villagers Bhagat Singh and Teja Singh were unpacked.

Two Army soldiers having come to their village Akhnoor on leave namely Baikunth Singh and Pritam Singh were arrested on their way to Military canteen and kept in custody for 15 days

Kashmir Militia duly aided by Kashmir police raided and looted the houses of non-Muslims in village Kawana of Tehsil Nowshera

Likewise Kashmir Militia raided the village Ko Mehra along the Pakistan Border in Akhnoor Tehsil looted the villagers by brutally beating them and took away all their valuables worth thousands of rupees.

Narrations of Shri Shanji Ram Gupta, penned down in Jail at Srinagar being witness of the heartbeats' cruelties of Sheikh Mohammad Abdullah's Government so faced by the Satyagrahis during 1952- 1953, being one of the Jailed inmates, Disclosing a conspiracy hatched by Sheikh Mohammad Abdullah's Government to do away them from the scene as an attempt to silent the voice of Jammu people sloganeerings " Ek Desh Mein Do vidhan, DoNishan, Aur Do

Pardhan Nahin Chalen Gai , Nahi Chalen Gai”. The title of this narrating is “ Vish Dhara 370” made from Srinagar Jail. The narration though made in Hindi is reproduced in English, which runs as hereinafter.

It was on the fateful day of 17th November 1952, when aftermath of the abolition of Dogra Ruling Dynasty, Yuvraj Karan Singh, against the wishes of his father Maharaja Hari Singh, entered in the office of the Sadr-i Riyasat and unfurled the plough bearing flag on official buildings of Kashmir instead of National tricolor flag.

In consequence of this incident Jammu region went on Hartal. On 23rd November 1952, Pandit Prem Nath Dogra and Pandit Sham Lal while holding while holding tricolour in hands and carrying the photo of Dr Rajinder Prasad announced to hold the historical Satyagraha. Pandit Prem Nath Dogra was put behind bars. It ignited the fire of resentment and raised vociferous voice to break the chains of Kashmiris' slavery and unmask the false and notorious promises of Sheikh Mohammad Abdullah creating and spreading disinformation among the national leadership. In the wake of mass participation of masses irrespective of class, class of religion, the notorious regime of Sheikh Abdullah became furious and resorted to the policies of repression inviting the condemnable incidents of police excesses, atrocious conducts including inhumane behavior of the administrative authorities. Pandit Nehru Government at the center also came blindly in rescue of Sheikh Mohammad Abdullah without testing nerves of Jammu people with their Patriotism and Nationalism mindset. Punjab Police entered into the state as an aid of Kashmir Militia raised by Sheikh Abdullah prepaid for repression of Jammu region to make w his Writ at large though going against the National interests at large so unlikely afterwards in August 1953, inviting incidence of his dismissal and imprisonment.

According to Shri Sanji Ram, Gupta Satyagrahi, he along with some friends being hiding from police arrest, but carrying on the satyagrah activities restlessly from one corner to the another, while planning to carry the procession of the ashes of first casualty of this grand Satyagraha (Shri Mela Ram on 14th December 1952), on 21st December 1952, he along with his associates Yash Paul Bhasin, Hans Raj Sharma, Nasir Singh, Onkar Nath Sharma, Kamal Singh and the owner of their hiding destination Pandit Gouri Shankar were arrested and lodged in City Police Station Jammu, and kept without any food and water besides anything i.e clothes to get rid of extreme cold of December 1952. Their one associate who had only Rs 2 gave the police to purchase something for eating in starved condition on 22nd December, and by those eatables all of them bear with starvation in police custody. On the dead night of 29th December 1952, all of them, except arrested house owner Pandit Gouri Shankar who was let off, were taken out of lockup of city police station Jammu and boarded them on a civil bus for carrying them towards Kashmir for their torture in extreme cold of winters of December of Kashmir. After undertakings hazardous journey of the Jammu Srinagar Fairweather road of the days they were halted at Banihal on the next day because of road blockade due to heavy snow falling. All of the detainees were subjected extreme Cold waves and that too without food water and clothes. All them were lodged in a room meant for animals full of their garbage and foul smell. All of them got their own cooked half makki ki Roti on 30th December. However on 31st December some Drivers from Jammu also halting their knowledge about the starvation of Satyagrahis for three days they made their own contributions and provided Kahva and Kashmiri Roti. on 31st December 1952, the Sub Inspector of Police at 5P.M when darkness of night was reaching, asked all Satyagrahis to board the bus and they would start for further journey towards Srinagar by crossing heavily Snow loaded Pir Panjal to which the Satyagrahis resisted because of the extremely cold waves flowing beside the mighty Pir Panjal was also subjected frequent avalanches. Here more busses of Satyagrahis from Udhampur and Reasi also reached. The Hindu Drivers of the vehicles who resisted for driving vehicles during night hours in abnormally state were also subjected to fits and blows by the police. Ultimately one vehicle was stop in front of Military Police Post at Banihal. All these detainees protested against cruel behaviors of Kashmir Militia and Police. The Police Inspector Badrudin approached the Army for help on the pretext that these Jailed inmates being carried to Srinagar are trying to flee, and thus all these Satyagrahis were cordoned off by the Army and threatened for firing. On this all the Satyagrahis gave call of Bharat Mata Ki Jai, on hearing this the army officers cooled down. One Shri Des Raj stood voluntarily and narrated their background very politely that they are not criminals or offenders of law but are Satyagrahis fighting for total integration of State With Indian while carrying tricolour in their hands and true Patriotics of India. They have been detained for political reasons. In fact the Police wanted to do away all these Satyagrahis atop of Pir Panjal as per directions of Sheikh Mohammad Abdullah and his associates. On this the Army officers at Banihal did realize the conspiracy hatched by Kashmir Militia, and said loudly that they will not allow State Police to play with the lives of these Patriotic Satyagrahis and stopped the police to proceed further these vehicles carrying Satyagrahis. Even the

heated exchange of arguments between the army and state police Inspector Badrudin took place who was adamant to carry these Satyagrahis overnight but in heat of anger turned the guns from Satyagrahis towards Police, which forced the police to enhance its decision. The Satyagrahis were again locked in the same shops meant for animals full of foul smell. Because of again heavy snow fall the road was totally closed on 1st January 1953. Having no money with the Starved Satyagrahis, one Sant Ram Baru found suddenly Rs 35 in his pocket who spent the same by which the Satyagrahis were able to get one cup Kahve and Kashmiri Roti also called locally as Rus. Again the Jammu based Drivers out of their donations provided Gur and Channa to Satyagrahis. On the evening of 3rd January 1953, one Lakshmi Das of Hiranagar became unconscious because of continuous starvation of 72 hours. The conditions of Bansi Lal of Akhnoor and Jagdish Chander of Jammu became more deteriorated because of starvation. It was after five days the Satyagrahis got food, and because of overeating some of them became ill but no medical treatment. At this Inspector was called and the Satyagrahis threatened if they were not brought back Jammu in 12 hours, they will resort to hunger strike. On this Thakur. Basant Singh President of Jammu Unit sat on hunger strike demanding settlement of POK refugees and will not wear any cloth till his demand is fulfilled. He was filled by two persons next day. It was on 7th January 1947, the police was forced to turn the vehicles towards Jammu at about 1 A.M dead night. However it was a conspiracy to get ended the hunger strike. On 8th January they were brought at Kud. Here again the vehicles turned their faces towards Banihal on 8th January and kept at Banihal Dakbungalow here A Sardar also a Jail Employee disclosed later to be named Jaswant. Singh deputy SHO. With some four jail inmates distributed food to Satyagrahis and blankets as well. They were then taken by crossing a wooden bridge to an isolated place on an hillock and kept them there in rooms meant for goats constructed by shepherds. The Satyagrahis were recalling the tales of freedom movement of 1857 and Martyrs Bhagat Singh, Lal Hardayal MA, Ranjit Singh Ras Bihari Bose, V.K. Dutt, Ram Prasad Bismil and Chander Shekhar Azad and numerous unknown freedom fighters. That apart, the great ladies called Virangna like Martyresses Pritilata, Border, Kalpana Dutt, Veena Roy, Sanita Choudhry, and Shanti Ghosh from great land of Bengal. Sushila Didi from Punjab donated her jewelry meant for her marriage for Kakori Kand., Mrinalini Devi wife of Shri Vital Roy from Varanasi, from Maharashtra Indumati Datatrey, Lakshmi Bai Kikarni, Uttam Dutt Rao, Koushlya Bai. This way the Satyagrahis celebrated 26th January 1953 at hostage in Banihal area. On 7th February more Jailed Satyagrahis were brought there who were sloganeers. One satpal of Udhampur went on Satyagrah with four other was admitted in hospital on 24th February at Banihal. On the same day Satyagrah was observed by seven persons at village Thial. Sita when produced in Court he narrated the whole facts of torture met out to him and even the Judge was stunned to see the wounds and his physical condition. Like wise the all the external signs of lathes placed on Khe Raj, Ram Chand, Shivar Singh, Girdhari Lal and Baldev Raj by Inspector Prithvi Raj and other Police personnel. In those days three unmarried girls were brought in Katra Police Station beside thrashing them with fits and blows they were abused with filthy language. On 3rd of March two persons namely Vidya Parkash School teacher and a shopkeeper Lal Thakur Dass who were arrested on 1st March while carrying Procession of Praja Parishad. Three persons were killed in police firing. Now the strength of detainees had reached to 107. On 30th March all the Satyagrahis numbering 125 were carried to Sinagar and lodged in Srinagar Jail.

While narrating the state of in jail inmates, he said that some of Satyagrahis considering the most harmful were shifted from Barracks to cells for inflicting more severe torture by inhumane treatment. In general it was stated the prisoners with long durations say more than five years were being designated as Numbers with black uniforms and senior most with yellow uniforms by assigning the job to harassment, manhandle and mental torture the new and junior jail inmates. The most of such Numberdars of Jail were Pathans Jailed during 1947 partition having different culture habitual of unhygienic style of living, e.g. without bath, cleanliness, even didn't wash their hands after the nature's call. The Jailor though Hindu Raina with one eye plucked was experienced to be more cruel. No medicines of required standards but only general one doze for all diseases was being applied mercilessly. The food contained rice full of rumbles and rotten vegetables half cooked without sufficient oils and whosoever complaining was subjected to third degree tortures by letting loose reign of terror. The belongings of the prisoners were also stolen within Jail premises. The Satyagrahis mostly lived on sacred rice peach with the kindness of the jail cook. On 7th April 1953, the Satyagrahis protested against illness practices of jail authorities and demanded permission for taking bath, besides opening of jail window for fresh air ventilation. The Jail S.P called four persons only for talks. Outside his office all were halted and sent one by one. Chatru Ran one of these said that the Barracks one by one shall be opened for an hour

from nest day for the purpose. During this relaxation Sanjhi Ram gupta further narrated the sins of Sheikh Mohammad Abdullah as gathered from Kashmiri Muslims themselves Jailed for their protest of the cruelties met out them by notching rights of their ancestors lands. Even the cigarettes were being provided to the Satyagrahis in consideration of their food commodities by the corrupt Numberdars .Even the contaminated tambako full of the waste tea leaves was being provided. In fact this jail was the center of all illegal activities and facilities could ne available against bribes through Numberdars who virtually were the agents of jail authorities.

Th Satyagrahis when complained of the notorious and inhumane conduct of the Jail authorities to the Visiting Deputy Minister Ghulam Mohiuddin Handani on 17th April (5th vaisakh)1953, his fantastic response protecting Jail authorities was that you Satyagrahis are fortunate enough being not engaged in grinding grains or threshed the paddy etc. in the jail only because of the kindness of Sheikh Abdullah.

The Jail manual provides for the periodical inspection of jail Barracks and take about the well of the prisoners but the same had given complete go bye. This apart the Satyagrahis who had been released earlier were thrown of Jail by paying Rs 3 and 2 Anna's only. As to how Jaamu region based Satyagrahis reached their homes is a matter of concern. On 25th April (13th Baisakh) a large procession sloganeerings against Article 370 in presence of visiting Girdhari Lal Dogra, Major Piyara Singh, Mohammad Sayed Masoodi and Mirza Afzal Begh were teargassed on the orders of Deputy Commissioner Kathua Pandit Baldev Chang resulting stampede in such procession. The National Conference Government program was failed. On 29th April 1953(17th Baisakh) Colonel Ram Nath Chopra on visit of Jail was called by loud cries by inmates of Barack No.9 Sardari from Nagri Parol and Basant Singh Tiyaagi who narrated the entire tale of truth how the Satyagrahis were being maltreatment. Colonel Chopra instructed S.P Jail that such practices should be desisted in future , but of no avail except more torture by locking the doors of the Barack.

Another shocking state of hating Kashmiris came on surface that the gundas of National Conference Government were clandestinely collecting Rs 2 per month from every householder on the pretext of Military expenses as disclosed by one Muslin prisoner with Sanji Ram Gupta in Srinagar Jail.

Ultimately during the course of his stay in Srinagar Jail he was able to make collections of the true tales of Satyagraha as well as the experienced miseries of Kashmiri Mohammadans as well and thereafter the mysterious death of Syama Prasad Mukerjee on 23rd June 1953 at Srinagar on the appeal of Pandit Jawahar Lal Nehru the Prime Minister of India, Pandit Prem Nath Dogra had agreed to suspend the Satyagraha. On the evening of 13 July all the Satyagrahis were brought at Jammu during the dead night hours and on the morning hours of 14th July 1953, they were freed to proceed to their respective homes.

Despite all that happened as aforesaid, Sheikh Mohammad Abdullah did not mend his attitude, but became more arrogant leading his steps towards Secessionist approach.

Priceless Great Martyrdom -

By the Mysterious Death of Syama Prasad Mukerjee At Srinagar By Breaking Permit System of Jammu and Kashmir State.

Dr. Syama Prasad Mukerjee unbeknown to even to himself, set out his last part of journey to Jammu and Kashmir from Delhi Railway Station at 6.30 A.M on 8th May 1953 by a passenger train enroute to Punjab. The boarding compartment of Mukerjee was fully decorated with flowers and flags of Bhartiya Jan Sangh. He was accompanied by saravshri Guru Dutt Vaid, Atal Bihari Vajpayee, Tek Chand ,Balraj Madhok and others. Before start of his journey he made statement with purpose of understanding this journey to Jammu, i.e to find out the ongoing events of Jammu and Kashmir as well as the extent of depth of the Praja Parishad agitation and repression let loose by Sheikh Mohammad Abdullah on the people of Jammu region . A part of such statement is read as;

“ The Satyagraha movement has been continuing in Jammu for nearly six months leading to the arrest of more than 2500 persons and to the killing of more than 30 Satyagrahis by police firing. In Delhi and Punjab the movement has been going on for the last two months and has led to the arrests of more than 1700 Satyagrahis in these two and other adjoining States. In Spite of all provocations and various sorts of repression and terrorization reminiscent of British regime, the movement has remained non violent and free from communal bias.

Although the movement has remained confined to Delhi and some parts of Punjab, yet a large number of Satyagrahis are pouring in to the capital of India from various parts of the country giving the movement an all India character.

They are bringing with them the support and blessings of large sections of people living in the areas concerned. In Jammu, in spite of the iron curtain, people have not succumbed to fear and are ready to face the wrath and fury of the authorities whose repressive measures continue unabated “

Referring to the success that the movement has achieved, the statement said, “ During the last few weeks I have visited many parts India and I have tried to place our view point before our country. I have found that slowly and steadily even those who did not fully support our movement are realizing the grave implications of the mistaken policy of Nehru towards Jammu and Kashmir. From that point of view our movement has succeeded. It has aroused widespread public support in favour of the basic objectives of the movement. “

Explaining as to why he has not applied for permit, the statement said, “ Mr. Nehru has repeatedly declared that the accession of the State of Jammu and Kashmir to India has been hundred percent complete. Yet it is strange to find that one cannot enter the State without a previous permit from the Government of India. This permit is granted even to the Communists who are playing their usual role in Jammu and Kashmir. But the entry is barred to those who think or act in teams of Indian unity and nationhood. I do not think Government of India is entitled to prevent any entry into a part of the Indian Union, which according to Mr Nehru himself, includes Jammu and Kashmir. Of course if anyone violates the law, he will have to face the consequences. “

Regarding his aim in going to Jammu, the statement said, “ My object in going to Jammu is solely is to acquaint myself with what exactly had happened there and the present state of affairs. I would also come into contact with available leaders representing various interests, outside the Praja Parishad. It would be my endeavor to ascertain what the intention of the people of Jammu is, and to find out if at all there is possibility of the movement be brought to a peaceful and honorable end, which will be fair and just for not only to the people of the State but also to the whole India. I confidently hope I shall receive the full cooperation and sympathy of all concerned when I proceed to discharge this difficult responsibility. If I am allowed to enter the state, I for my sake do not rule out the possibility of even meeting Sheikh Abdullah and having personal discussion with him.”

He was thus, contrary to what Nehru and Abdullah had sought to project, not out to provoke the agitators and take them on the path of further confrontation with Sheikh Abdullah's Government. Ever the Constitutional politician, he wished to bring the agitation to an end whereby both the warring parties would be able to save their faces. Only in entering the Indian state of Jammu and Kashmir he had refused to take the permit to be issued by the Government of India.

The first stop on his itinerary was nearby Ambala in Punjab now Haryana. He shot off a telegram to Sheikh Mohammad Abdullah which read “I am proceeding to Jammu. My object in going there is to study situation myself and explore the possibilities of creating conditions leading to peaceful settlement. I will like to see you also if possible “ He sent copy of telegram to Pandit Nehru, the Prime Minister of India as well.

V.P.Bhatiya, the President of a local unit of the Jana Sangh and Swayamsevak of RSS and A.N. Verman, Secretary of the local unit, had boarded the train on route, and traveled with Dr Mukerjee till Ambala Cantonment station in the same compartment. Bhatia noted that Dr Mukerjee was a huge figure, seated in the middle berth while Guru Dutt Vaid and Tek Chand sat on the side berths. The train arrived Ambala at 2 PM where huge crowd was waiting at platform. Before Dr Mukerjee got down the train President of Ambala Town Jana Sangh, Advocate Raghbir Saran showed him the latest issue of The Illustrated Weekly of India, which carried on its cover the picture of Dr. Mukerjee and Jayaparkash Narayan with the caption “ After Nehru Who ? Mukerjee or JP?”

From Ambala to Karnal via Shahabad and Nilokheri where he had to make unscheduled stops and make speeches. By the time he had finished speaking at Karnal he was dead tired, but even there, at the instance of the workers of the district he had to address them and answer the queries..he spent night at Karnal and next day he drove to Panipat where he addressed huge meeting, the he took a train to Phagwara where he received the reply of the telegram he had sent to Sheikh Abdullah. It read “ Thanks for your telegram. I am afraid your proposed visit to the State at present juncture is inopportune and will not serve any useful purpose” . Nehru neither replied nor conveyed acknowledgement.

After Phagwara reached Jalandhar ,where Dr Mukerjee addressed press conference. He also sent back Balraj Madhok from Jalandhar and boarded a train for Amritsar. In train an elderly person introduced himself as Deputy Commissioner of Gurdaspur District ,of which Pathankot was also part, and he told Dr Mukerjee that the Punjab Government had decided to not allow him to reach Pathankot. “I am expecting instructions from my Government as to where you should be put under arrest “he added. On hearing this Dr Mukerjee proceeded to make arrangements for his

arrest and decided, after consultations, that Guru Dutt Vaid well known Ayurvedic Physician and author, who was then President of Delhi State Jana Sangh, and Tek Chand a young energetic worker from Dehra Dun, would accompany him and Court arrest with him. But strangely he was not arrested, neither at Amritsar nor anywhere on the way. A huge crowd of over 20,000 received him at Amritsar Railway Station where he halted for the night. He met local workers and talked to them. He was emphatic that he had decided to go to Jammu whether Sheikh Abdullah liked it or not. The journey from Amritsar to Pathankot was another triumphant March. Thousands of people greeted him every station. He arrived to an unbelievable reception at Pathankot. A sea of people with folded hands stood on both sides of the Bazar through which jeep crossed. Just before his departure a ninety year old lady blessed him in Punjabi with word "Wai Puttar! Jit Ke Avin, Aivan na avin". My son, do not come until you are victorious.

Soon after his arrival at Pathankot on 10th May, 1953, the Deputy Commissioner of Gurdaspur, who seemed to have preceded Dr Mukerjee, sought an interview with him. He informed Dr. Mukerjee that he has been instructed by his Government to allow him and his companions to proceed and enter Jammu and Kashmir State without permit. He himself appeared quite surprised that the orders that he was due to receive had been reversed. Little did he, or anyone else present there, know that the diabolical scheme that has been hatched had it that Dr Mukerjee would be arrested in Jammu and Kashmir state and not in the Punjab State, so that he would remain outside the jurisdiction of the Supreme Court of India.

The next stop was the border check post at Madhopur on the River Ravi, one of the five rivers of the Punjab, marking boundaries between the States of Punjab and Jammu and Kashmir. There was a road bridge across the river, and boundary lay at the mid point of the bridge. Dr. Mukerjee and his companions reached Madhopur check post on the Ravi Bridge at 4 P.M. on 10th May 1953, the Deputy Commissioner of Gurdaspur and other officers present there saw him off at the bridge. But as soon as his jeep reached the center of the bridge, he found the road blocked by a posse of the Jammu and Kashmir State police. The jeep stopped and a police officer, who said he was the Superintendent of Police, Kathua, handed over Dr Mukerjee an order of the Chief Secretary of the State dated 10th May 1953, banning his entry into the State.

"But I intended to go to Jammu" Dr Mukherjee declared.

Thereupon the police officer took out an order of arrest under the Public Safety Act of the State signed by Prithvinandan Singh, Inspector General of Police, Jammu and Kashmir State dated 10th May 1953, which stated that Dr. Mukerjee "has acted, is acting or is about to act in a manner prejudicial to Public Safety and Peace" and that "in order to prevent from so acting.... Captain A. Azeez, Superintendent of Police, Kathua, was being directed to arrest Dr. Syama Prasad Mukerjee and remove him under custody to the Central Jail at Srinagar. "All right", said Dr. Mukerjee on reading the order and got down from the jeep. Guru Dutt Vaid, Tek Chand and others also got down. Atal Bihari Vajpayee, his Private Secretary, had so long with him. In his last message as a free person Dr Mukerjee told Atal Bihari Vajpayee and others with him, to tell the country that he had at last entered the State of Jammu and Kashmir, though as a prisoner, and to carry on his work in his absence.

The police jeep halted for a short while at Lakhanpur. The threescore were put in another closed jeep which rushed towards Srinagar through Tawi Bridge and Jammu city. The people of Jammu had assembled in thousands at Tawi Bridge to receive their hero, Dr Mukerjee. They waited for him till night but did not notice a closed jeep passing the bridge at dusk. They reached Udhampur at 10 P.M and Batote at 2 A.M slept for the night there and reached Srinagar Jail at about 3 P.M on 11th May 1953.

From there he and his two companions were escorted by the Superintendent of the Jail, Pandit Kanth Sapru, to a small cottage near Dal Lake, where he, one of the most prominent members of the Indian Parliament, the President of one of India's national parties, was to spend the last forty days of his life as a prisoner of Sheikh Abdullah, ostensibly just for having committed the offense of acting "in a manner prejudicial to public safety and peace."

It is pertinent to note that the State Government of the then Prime Minister of Jammu and Kashmir Sheikh Mohammad Abdullah with the blessings of the then Prime Minister Pandit Nehru had misled the people of India and International society in general and the people of Jammu and Kashmir in particular that Dr Syama Prasad Mukerjee was Jailed for the violation of Permit laws, but in contrary to it the Permit system imposed by the Government of India was implied withdrawn by the said Government by allowing Dr. Mukerjee to enter into the boundary of Jammu and Kashmir State

by gracefully seeing off by the administration of Punjab State including its Deputy Commissioner Gurdaspur at Madhopur. The order of arrest as served upon Dr. Mukerjee was very specific “has acted, is acting or is about to act in the manner prejudicial to public safety and peace” and no other fault. The false and frivolous narrative was intentionally spread to mislead the public at large in the wake of grave sins committed by the both Central and the State Government of Jammu and Kashmir. In fact it was on 11th May, 1953, the Sheikh Mohammad Abdullah Government got promulgated an ordinance from the then Sadar i. Riyasat of the State Dr. Karan Singh that it is an offense to enter the State without a State permit, but as the the order of Prithvonandan Singh, the then Inspector General of Police of this State of Jammu and Kashmir revealed, Dr Mukerjee could not have been arrested under such an ordinary which came into being on 11th May 1953, and was nonexistent on the date of arrest being 10th May 1953. All that reveals a very strange, Shockingly suspicious chain of events netted by the Government very autocratically. All the circumstances were well in knowledge of Dr Mukerjee who had penned down in a note provided to his counsel U. M. Trivedi for drafting his Habeas Corpus Petition so being presented in the High Court of Jammu and Kashmir. Interestingly the Supreme Court of India had no jurisdiction over the incidents taking place in the State of Jammu and Kashmir at that point of time, that is why cunningly Dr. Mukerjee was allowed to cross Punjab State and arrested on the border of the State of Jammu and Kashmir.

In the meanwhile, Shri Balraj Madhok was also arrested and put in Ambala Central Jail. By moving Habeas Corpus Petition on his behalf in the Supreme Court of India, he was released. After stepping out of the Ambala Jail, he came to know about the arrest and imprisonment of Dr Mukerjee in Jammu and Kashmir State. He lost his nerves. He ran to Justice Mehar Chand Mahajan, the erstwhile Prime Minister of Jammu and Kashmir state and at that point of time was the Judge of the Supreme Court, belongings to Kangra District and well versed with Dogri language. At this Justice Mahajan flabbergasted and said in Dogri “Balraj, please have some regard for my position, I am a Judge of the Supreme Court. Just one week back, I released you on a Habeas Corpus, and now here you are at my residence, asking me to do something”. Madhok said, “Sir, what can I do, you are the only man whom I can see.” Then he told Madhok, “Had he been arrested in Gurdaspur District, Pathankot or anywhere, the Supreme Court could have released him within a week, may be earlier, but the Supreme Court has no jurisdiction over the Jammu and Kashmir State. What will happen, I can't say. My only advice is, send some Advocate immediately and have a Habeas Corpus application made.”

The news of arrest created a stir all over the country. Protests, meetings, hartals took place at Delhi and other places. This gave a new impetus and direction to the Satyagraha. Satyagrahis began to proceed to Jammu without permit and court arrest. But neither Sheikh Mohammad Abdullah nor Pandit Nehru were moved. Sheikh Abdullah (whether with or without the consent or knowledge of Nehru none knows) had a scheme in his sleeves which he was determined to follow up.

The place in which Dr Mukerjee was incarcerated was really a small cottage almost in the middle of nowhere, near Nishat Bagh far away from Srinagar, converted into a Sub. jail. It was situated on the slope of the mountain range, which flanks the Dal Lake. It could be reached only by mounting a steep flight of stairs which must have been a hard task for Dr Mukerjee with his bad leg, and proved to be much harder later. It had one main room about ten feet by eleven feet, in which Dr. Mukerjee was lodged and two small rooms which accommodated his co-detenués Guru Datt Vaid and Tek Chand. There was no room in this sub. Jail for a fourth bedstead. When Pandit Prem Nath Dogra was brought there on 19th June 1953, a tent had to be pitched in the compound outside to accommodate him. The whole compound was covered with fruit trees and vegetable beds leaving only a small lawn, smaller than a tennis court, for the defense to move about. It was at a distance of about eight miles from city. There was also no arrangement for adequate medical aid. A Doctor could come from the city only when requisitioned. About a hundred yards away from the cottage was a canal and a subsection of the water works department, which had a telephone. That telephone improvised jail in the wilderness as well, but was available for use only during office hours. Only one newspaper The Hindustan Times was supplied to him though later he was permitted to receive The Hindustan Standard of Calcutta also. They seldom reached him in time and were usually late by two or three days as was his mail. These were brought by the Superintendent of Jail personally. The authorities were most callous in respect of his mail. On an average it took about a week for a letter, particularly if written in Bengali, after it had reached Srinagar, to be delivered to him. Some letters that were posted from Calcutta on June 10th and which bore Srinagar postmarked the 12th and 13th June 1953, were

returned undelivered after the death. On his protestations this inordinate delay in delivering his mail to him, he was told that the person who censored his mail written in Bengali was not always available. Thereupon he suggested that to avoid delays he could supply the authorities with the English rendering of the letters written in Bengali, which came only from his family members and contained no politics for the purpose of censor. But no heed was given to his suggestion. So he had to take to writing even personal letters in English for the benefit of Sheikh Abdullah's censor..

According to Balraj Madhok a number of letters to and from him were suppressed.

It came into fore afterwards that it was Sheikh Mohammad Abdullah himself, who had ordered that Dr. Mukerjee be given any special facilities than that of an ordinary prisoner, without his express orders. None of his friends or relatives were allowed to interview him while he was in jail. His eldest son, Anutosh, applied for permit to visit Srinagar to see him. By that time there was a change of rules of the issue of permit, and it was to be issued by the Government of Jammu and Kashmir. It was refused. Some of his relatives were in Srinagar at that time. They too sought interview with him but were refused. The only persons from outside who were taken to him for the purpose of interview, were Sardar Hukum Singh whose visit was purely political and U.M. Trivedi, Barrister, who met him as his counsel.

On 24th May, Pandit Jawahar Lal Nehru the Prime Minister of India and Dr. Katju, the then Home Minister of India visited Srinagar for rest. They had not the courtesy nor decency to have a visit to their august prisoner, a person holding the status of opposition leader of the United opposition parties in the Parliament, and a colleague in the first ministry after freedom and see in person how he was being treated there. However after the death of Dr Mukerjee, Pandit Nehru said, he had enquired about him and was told that he was in great comfort, in a picturesque villa on the Dal Lake. Thus being told was enough for Pandit Nehru.

The pain in his leg though to be due to varicose veins got more severe by 3rd June 1953. In a letter dated 6th June 1953, addressed to Rara Devi, Dr Mukerjee wrote "I was on the whole keeping well, but the pain in the right leg has again worsened during the last two days. Moreover for some days I have been running temperature in the evening. There are burning sensation in the eyes and face. I am not taking medicine. I get to eat boiled vegetables. Fish (almost a staple food for Bengalis) not available. The doctor has instructed me not to stand on my legs in order to give them some rest. As a result, I get absolutely no exercise and therefore lost all appetite. I wake up very early and around 5.30 A.M I get-up to the garden and recite Chandi Sarotra.....the whole day hangs heavy on me....all that I get to do is to read, recite the Bhagwad Gita, some writing " He was feeling despondent and depressed because of the confinement and having nothing to do...it can well be imagined what a punishment it must be for such an active person to be doing nothing from morning till night.

On the receipt of this letter at Calcutta On or about 12 June 1953, Dr Mukerjee's brother Rama Prasad Saw Dr. B.C Roy, apprised him of his health and requested him to contact Kashmir. Dr. Mukerjee always had a problem with his pain in the leg but it had never earlier been accomplished by fever. Because of loss of appetite he was getting weak every day. Barrister U.M.Trivedi had gone to Srinagar on 12th June 1953 to argue Habeas Corpus before the Jammu and Kashmir High Court. The Government insisted that he would have to take take instructions from him in the presence of the District Magistrate. The Indian Evidence Act lays down that communication between a client and lawyer is totally privileged and no one can be compelled to disclose it even in court.. Trivedi refused to take instructions in the presence of the District Magistrate, and had to move the High Court again to permit him to take instructions in private. After the High Court struck down the Government Orders, Trivedi interviewed him for three hours on 18th June 1953. He found Dr.Mukerjee who had braved so many adversities in his life, weak and cheerless.

Pandit Prem Nath Dogra who was taken from Jammu to Srinagar on 19th June 1953, to meet Dr Mukerjee, was also struck by his poor state of health and low appetite. He asked him the reason and was informed that it might be due to lack of exercise. This was the main complaint from the very beginning, something to which Sheikh Abdullah's Government just turned a deaf ear. Dr. Mukerjee was fond of taking walks, which was his principal form of exercise. This cottage where he was incarcerated had a very small compound, most of it covered by fruit trees and vegetable beds, and two or three minutes walk would bring him to the end of his path. As a result of lack of exercise he had lost all appetite and possibly also developed the pain in his leg. The Government would have lost nothing by permitting him to walk outside the compound. They did not do so out of cussedness or worse?

The same night of 19th June 1953, Dr. Mukherjee Developed a pain in his chest and back and high temperature. On the 20th June morning the authorities were informed about it. Thereupon, Doctors Ali Mohammad and Amar Nath

Raina reached the Sub. Jail at 11.30 A.M. Dr Ali Mohammad diagnosed the trouble as dry pleurisy and prescribed streptomycin injections. Dr Mukerjee protested that his family physician had advised him not to take streptomycin as that did not suit his system. But Dr Ali Mohammad said that was a long time back, lately a lot of new facts have come to light regarding this drug, and Dr. Mukerjee need not worry. At about 3.30 P.M., the streptomycin was received and the jail doctor pushed a full one gramme of the medicine into Dr Mukerjee. In addition he was also administered some powder, possibly some pain killer (no prescription was made available to anyone), which Dr Ali Mohammad said, was to be taken normally twice a day, but could be taken upon six times if the pain persisted or became severe. According to Guru Dutt Vaid, he requested the Superintendent of Jail on that day that news of his illness be sent to his relatives. But no such intimation was sent or any bulletin issued till after his death.

Next day on 21st June 1953, excepting the jail doctor who was only an Assistant Surgeon, no other doctor, not even Dr Ali Mohammad visited him. The Jail Doctor pushed another one gramme of Streptomycin. His temperature rose and the pain increased during the day.

Because of his sudden relapse he could not talk much with Pandit Prem Nath Dogra who had been brought to Srinagar for consultations with him regarding withdrawal of the movement. There had been some internal developments in the State favorable to the movement. The state cabinet was apparently divided into two camps- Sheikh Mohammad Abdullah and Mirza Afzal Begh on one side and Bakshi Ghulam Mohammad, Pandit Sham Lal Saraf, and Girdhari Lal Dogra on the other. The latter wanted an understanding with Praja Parishad to checkmate the designs of the former. Pandit Prem Nath Dogra had been brought to Srinagar to meet Dr. Mukerjee in spite of Sheikh Mohammad Abdullah's opposition. Dr Mukerjee was then thinking of drawing up proposals in consultation with Pandit Prem Nath Dogra for the consideration of Jana Sangh and Praja Parishad colleagues outside who, he held must be consulted before any decision was taken.

At about 4.45 A.M on the 22nd June 1953, an attendant woke up Vaid and told him that Dr. Mukerjee wanted to see him immediately, Guru Datt Vaid rushed to his room and found that his temperature had gone down to 97 degree F and he had perspired profusely. He felt his pulse and found very feeble. He administered some hot cardamom tea and cloves water which gave him some relief. Dr Mukerjee told him that he had slept fairly well till about 4 A.M. when he woke up and felt a severe pain in his chest and had broken into a sweat. He was also feeling so giddy that he thought he would lose consciousness. He thought he should not disturb anyone at that ungodly hour, but he was progressively feeling so weak that he was forced to call up Vaid. Apparently he had a severe heart attack, a myocardial infarction as it is medically known possibly the second or third one after the ones he had in 1945 at Barack pore.

At 5.15 A.M. the Superintendent of Jail was informed about his deteriorating health and was requested to come with doctor immediately. Dr. Ali Mohammad reached there at 7.30 A.M. He suggested to the Superintendent of Jail that Dr. Mukerjee should be immediately removed to the Nursing Home. The Superintendent asked him to get orders from the Districts Magistrate. Thereupon both Guru Datt and Tek Chand requested him to get permission for them also to be moved with him to the hospital. But Dr Ali Mohammad refused to do so and is said to have remarked "I understand your anxiety, but you don't worry. He will be in better hands there." Meanwhile Barrister Trivedi came to see him at about 10 A.M. At that time he was propped up on his bed, and Trivedi found him in a good mood. They had discussions about his case for about an hour.

At about 11.30 A.M. the Jail Superintendent reached there with a taxi (not an ambulance), and they walked Dr. Mukerjee from his bed to the taxi. Dr Mukerjee was removed, not to any Nursing Home but to the Gynecological ward of the State Hospital about ten miles away. He was kept in a room in the first floor (Probably he was made to walk up the stairs). One Dr Jagan Nath Zutshi, a House Surgeon was detailed to look after him though not exclusively.

What took place in the hospital is still shrouded in mystery. Barrister U.M. Trivedi came to see him at 5.30 P.M. on 22nd June 1953 after completing his arguments in the court. Justice Killam was hearing the matter. Trivedi was confident that Dr Mukerjee would be set at liberty the next day when the judgement was to be delivered. Trivedi said later that he did not find him the way he found in the morning. But Dr Mukerjee said he was feeling better than the morning. The District Magistrate dropped in and gave him some letters about fifteen in number. He read the letters, signed some papers and a couple of cheques. He was doing all these propped up in bed, and the Medical Superintendent Dr. Girdhari Lal told Trivedi that he should not be sitting in that position. After signing the letter she placed his hand on his heart, and grimaced as if in pain. Trivedi stayed with Dr Mukerjee till 7.15 P.M. and asked the attending doctor

what his true Medical state was. The doctor reassured him by saying that there was no immediate cause to concern. As Trivedi was about to leave, Dr Mukerjee asked him to get him some reading material of his choice. Trivedi shook hands with him trying to feel his temperature, which he found to be normal. There was a nurse on duty in the room and some policemen on duty outside. Trivedi asked for permission to visit him at 9 A.M on morning of 23rd June 1953, but the doctor told him that his X-ray was scheduled at 9 A.M, so Trivedi should come and see him at 8 A.M. That was the last time Trivedi says, Dr Mukerjee was alive.

When Trivedi left at about 7.30 P.M Dr Mukerjee was weak but cheerful. Doctors in attendance told Trivedi that the worst had passed and that he would be X-rayed next morning and would be all right in two or three days.

But on the 23rd of June 1953, at about 3.45 A.M Trivedi was told by the Police Superintendent that Dr.Mukerjee was in a bad way and District Magistrate had asked him(Trivedi) to be at his beside immediately. He was picked up from his hotel to go to the hospital. Pandit Prem Nath Dogra and the two co- detenues of Dr.Mukerjee, Guru Datt Vaid and Tek Chand in the Sub.Jail were also asked about the same time to get ready to go to hospital. They reached there at about 4 A.M and were informed that Dr Syama Prasad Mukerjee had breathed last at 3.40 A.M

This is how Shri Balraj Madhok had described his last days in his life sketch titled “ The Portrait of a Martyr: and Guru Datt Vaid and Barrister U.M.Trivedi said in statements made on 25th June 1953. However when Tathagata Roy the biographer of Dr.Mukerjee interviewed Shri Balraj Madhok on 28th August 2008, at his residence at New Rajinder Nagar, New Delhi he got more surprising details that Madhok had not written in his book. That is to say, when Dr. Mukerjee had made known his intention to visit Jammu, Sucheta Kriplani paid Dr.Mukerjee a visit as she was also Bengali but had married with Acharya J.B Kriplani and had also assisted Gandhi ji during his visit to pogrom affected Noakhali in 1946. This is what Shri Balraj Madhok disclosed “ Sucheta Kriplani had told him(Dr.Mukherjee), so many others had told him, that you won't go, Nehru will not allow you to return safe from there. Dr. Mukerjee told Sucheta, “ I have no personal enmity against Nehru, I am working for a cause, why should he had any vendetta for me?” Then Sucheta told Dr.Mukerjee, ‘ You don't know Nehru, he looks upon you as his main rival and he will try to remove you from the field if he can and he is capable of anything.’

Madhok further disclosed to Tathagata Roy, “ So when Trivedi was staying in Nedous Hotel , one day a Pandit came to him. He said I am a Jyotishi(astrologer) .Dr. Mukerjee is not going to return safe, please get him released as early as possible.....in the same evening, a police officer came, he said I am so anso, but please don't disclose my identity, Sheikh Abdullah has a plan, Dr Mukerjee may not be allowed.....His Habeas Corpus is being discussed today. Please see that you get the judgment tonight itself. He insisted that judgment is going to be given today, and you see, that he is probably going to be released today that is the judgement is given today itself and he is released. “

According to the disclosure of Mrs Sabita Banerjee, the eldest daughter of Dr Mukerjee so disclosed to Tathagata Roy on 24th April 2010 at her residence, a flat at Koregaon Park Pune “ After Mukerjee's death his eldest son Anutosh asked for a permit to visit Kashmir. In the application one has always to mention one's father's name, and presumably for that reason his request for a permit was refused. Then Sabita and her husband Nishith decided to visit Kashmir in his place., but quietly, posing as tourists with their two children. They didn't apprehend any trouble, because then married woman's application the husband's name not her father's nawas to be mentioned.

They had a nerve racking experience there.They had decided, for fear of trouble and possible arrest, that they will not reveal their identity . They took residence in a big house boat on the river Jhelum. A friend of Dr .Mukerjee from the days of London, Jatindra Nath Majumdar visiting Kashmir as tourist came to visit Banerjees in the house boat and began chatting in Bengali, by chance a bearer of house boat also witnessed them in such chatting. Majumdar mentioned Dr Mukerjee in front of bearer and asked Mrs Sabita if he had seen the house where Dr. Mukerjee had lived. At this she winked at Majumdar so as to shut him up, but she was feeling still secure with the belief that the bearer would not have understood the said point being a Bengali nonspeaking.

As soon as Majumdar left, the bearer asked Banerjees if they knew Dr. Mukerjee. She said no, they were talking about him because he was Bengali. The bearer disclosed that his ancestors were Hindu, thereafter they converted to Islam, but deep inside he was still a Hindu. He further said that he could show the the house where Dr Mukerjee spent his last days.

They took a taxi to hillock by the side of the Dal Lake, and climbed up steps to the site of then converted Sub. Jail at the top of hillock, she all the while feeling how her Bapi must have felt with his bad leg when he was forced to climb those

steps. It was a small isolated bungalow at the top of the hill, windswept and forlorn. In the said Sub Jail three cots in one room side by side. Sabita asked the bearer about the whereabouts of the doctor who treated him in his last days. The bearer refused to divulge anything, but said that he could take them to a person who had been there when Dr Mukerjee died. The person was a Hindu nurse, named Miss Rajdulari Tikoo, regular nurse of Dr Mukerjee At the gynecological ward at the State Hospital. Dr Mukerjee always insisted on a Hindu Nurse.

They went to her house in Srinagar. Two women were living there, the nurse and her mother. As soon as Mrs. Sabita disclosed her identity, the nurse refused to reveal anything. At this Sabita and her husband became emotional and burst into tears by begging nurse for her revelation in entirety. Then Nurse also melted by disclosing all out as,

Dr Mukerjee had fallen ill and was taken to the maternity home as she described it. There on his last day, she was on his duty. He was sleeping. The doctor left, leaving instructions that whenever Dr Mukerjee woke up he was to be administered an injection, for which he left an ample with nurse. After some time he did wake up and as nurse disclosed to Sabita ("I don't know why I did it") she pushed that injection. As soon as she did it, Dr Mukerjee started tossing about, shouting very loudly "Jal Jata Hai, Hamko Jal Raha Hai" (I am burning up, I am burning). I rushed to the telephone to tell the doctor and ask for the instructions. He said "Theek Hai, Sab Theek Ho Jaiga" (It is all right, he will be All right). Meanwhile Dr Mukerjee had fallen into a super. And that was the end of Dr Mukerjee.

Then she said "I have committed a great sin, and I had to tell it to you. But I will leave this house immediately, because you will get back to Calcutta, and talk about this, and all what I told you is bound to get out. Then I will be murdered. In fact that is what she did. Next day when Sabita and her husband Nishith went to look her up both the mother and the nurse daughter were gone.

According to a report printed in The Organiser of 20th July 1953, and translated and reproduced in Uma Prasad's book Miss Tikkoo tried to get hold of a doctor when Dr Mukerjee's condition became critical but no doctor was available. Tikkoo then asked an orderly called Noor Ahmed to fetch Dr Zutshi. The said doctor Zutshi telephoned Dr Ali Mohammad for instructions. In the meanwhile his condition deteriorated further and he died at about 2.15 A.M. and not 3.40 A.M. Dr Ali Mohammad arrived about half an hour after his death.

According to the communique issued after the death of Dr Syama Prasad Mukerjee, by the Jammu and Kashmir Government on 23rd June 1953, gave the report of Doctors Ali Mohammad MRCP(Edin) and Ram Nath Parhar M.D (Edin), who were said to have been attending upon him. The report said that Dr Mukerjee was admitted to the hospital at about mid-day of 22nd June. Upon an examination of his blood and urine, and an Electro- Cardiogram the doctors came to the conclusion that he had had a coronary attack. He was administered sleeping pills, antibiotics and oxygen on demand. His general condition improved and was fairly good at 4.PM. Barrister Trivedi and the District Magistrate visited him in the evening. Around 9 PM, he was fairly all right but exhibited hypotension and tachycardia. Oxygen was administered to him at 11 PM to allay restlessness which started at that time, and B.P had gone down 100/80. He was injected with intravenous glucose and Aminophylline. Around 1 A M he felt intense pain in the heart and became restless. His pulse was very feeble and B P was 90/70. Oxygen was continued and 1 c. c of Pethidine was administered to allay his pain. By 2.30 A M respiration and pulse had become extremely feeble, and he was administered Coramine and Aminophylline intravenously. The position remained the same at 3 A.M, his pulse could barely be felt, and intravenous Coramine was again pushed. By 3.20 A M his respiration had become very feeble and irregular. Oxygen was continued. His pulse and respiration stopped at 3.40 A M

This communique was followed by a short and perfunctory statement by Sheikh Mohammad Abdullah on 26th June 1953 and detailed statement by by shri Sham Lal Saraf Minister incharge of Health and Prisons on 1st July 1953.

According to the the Sadar-i Riyasat, of the State of Jammu and Kashmir, Dr Karan Singh, despite of being a Constitutional head of the state, the incident of the said mysterious death of Dr. Mukherjee was suppressed from him by the State Administration led by Sheikh Mohammad Abdullah. He gained knowledge unofficially on the date very late when the mortal remained of Dr Mukerjee stood landed at Calcutta much earlier.

Withdrawal Of Satyagrah On The Appeal Of

Pandit Nehru, Aftermath of Martyrdom of Dr Syama Prasad Mukerjee.

Pandit Prem Nath Dogra being its President in addressing the General Council of All Jammu and Kashmir Praja Parishad at Jammu delivered the speech on 6th September 1953 read as;

" Brother Delegates, We are meeting after about