

## Kashmir: The Day of Achievement

**\*Sheikh Mohammad Abdullah**

*\*Late Sheikh Mohammed Abdullah was the most popular leader of Jammu and Kashmir State. He was the first Wazir-e-Azam or Prime Minister as he was then designated, from 1948-53. He was elected the Chief Minister of the State in 1975 and remained the Chief Minister from 1977 until his death in 1982.*

*Jammu and Kashmir state acceded to the Union of India in October, 1947. The Constitution of India, which gave the state a special status under Article 370, came into force on 26<sup>th</sup> January 1950. However, in view of its special position in the Union of India, Jammu and Kashmir state had the privilege of convening its own Constituent Assembly to draw up a Constitution in the state. Jammu and Kashmir was the only state within the Union of India to enjoy this privilege.*

*The elections to the Jammu and Kashmir state were held in September, 1951. Pakistan objected to the convening of elections in J&K and tried to introduce a resolution in the UN. Responding to these objections, Sheikh Abdullah said that 'those who are at the back of these efforts are clearly attempting to stop the growth of democratic rights of the people. They are trying to stop us from forming a government through democratic methods. Constituent assembly will be the highest institution to express the opinion of the people. We can't sit in silence watching helplessly and keep on postponing the decisions regarding our future.'*

*National Conference won the elections to the Constituent Assembly with an absolute majority. On 5<sup>th</sup> November, Sheikh Abdullah addressed the Constituent Assembly. Following are the excerpts from this famous speech. (Ed.)*

We meet here today, in this palace hall, once the symbol of unquestioned monarchical authority, as free citizens of the New Kashmir for which we have so long struggled. I see about me in this hall, many companions—Hindus, Muslims, Buddhists, Harijans and Sikhs, who first trod with me that path which has brought us to this Constituent Assembly of 1951. We fought as one, against tyranny and oppression. We survived privations and bitter struggles; the jails of Hari Parbat, Bahu, Badarwah, and those other jails, which imprisoned our bodies, could not crush our spirit.

When we look back on these years, we see how our footsteps have taken us not among the privileged, but into the homes of the poor and downtrodden. We have fought their battle against privilege and oppression and against those darker powers in the background, which sought to set man against man on the ground of religion. Our movement grew and thrived side by side with the Indian National Congress and gave strength and inspiration to the people of Indian States. I may be forgiven if I feel proud that once again in the history of this State, our people have reached the peak of achievement through what I might call the classical Kashmiri genius for synthesis, born of toleration and mutual respect. Throughout the long tale of our history, the highest pinnacles of our

achievement have been scaled when religious bigotry and intolerance ceased to cramp us, and we have breathed the wider air of brotherhood and mutual understanding.

Our movement for freedom has been enacted against the background of this same old struggle. We stood for the brotherhood of men of all creeds, and strengthened our union on the basis of common work and sacrifice. Against us were ranged the forces of religious bigotry centered in the Muslim League and its satellites, and the Hindu communalists from within and without the State. Ranged against us, and often in alliance with communalism were the forces of the autocratic States, backed up on the one hand by British Imperialism, the Paramount Power, and on the other, by the rich landowners and other beneficiaries of Court patronage.

We must remember that our struggle for power has now reached its successful climax in the convening of this Constituent Assembly. It is for you to translate the vision of New Kashmir into reality, and I would remind you of its opening words, which will inspire our labours:

“We, the people of Jammu, Kashmir, Ladakh and the Frontier regions, including Poonch and Chenani Hlaqas— commonly known as Jammu and Kashmir State—in order to perfect our union in the fullest equality and self-determination, to raise ourselves and our children for ever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit valleys of plenty, ruled by freedom and conscience and honest toil, in worthy participation of the historic resurgence of the peoples of the East, and the working masses of the world, and in determination to make this our country a dazzling gem on the snowy bosom of Asia, do propose and propound the following Constitution of our State.”

This was passed at the 1944 Session of the National Conference in Srinagar. Today, in 1951, embodying such aspiration, men and women from the four corners of the State in this Constituent Assembly has become the repository of its sovereign authority. This Assembly, invested with the authority of a constituent body, will be the fountain-head of basic laws, laying the foundation of a just social order and safeguarding the democratic rights of all the citizens of the State.

### **Indian Bonds**

You are no doubt aware of the scope of our present constitutional ties with India. We are proud to have our bonds with India, the goodwill of whose people and Government is available to us in unstinted and abundant measure. The Constitution of India has provided for a federal union and in the distribution of sovereign powers has treated us differently from other constituent units. With the exception of the items grouped under Defence, Foreign Affairs and Communication in the Instrument of Accession, we have complete freedom to frame our Constitution in the manner we like. In order to live and prosper as good partners in a common endeavour for the advancement of our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal co-operation and assistance in this great task, as well as offer our fullest co-operation and assistance to the Union.

### **The Future Set-up**

The future political set-up, which you decide upon for Jammu and Kashmir must also take into consideration the existence of various sub-national groups in our State. Although culturally diverse, history has forged an uncommon unity between them; they all are pulsating with the same hopes and aspirations, sharing in each other's joys and sorrows. While guaranteeing this basic unity of the State, our Constitution must not permit the concentration of power and privilege in the hands of any particular group or territorial region. It must afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics, without detriment to the integral unity of the State or the requirements of our social and economic policies.

### **The Maharaja**

I am sure none of us is interested in a personal controversy with the Maharajah's family. In the conduct of public affairs, it is necessary that an impartial view of every individual's deeds should be taken. Our judgement should not be warped by ill-will or personal rancour. During our association with Yuvaraj Karan Singh these last few years, I and my colleagues in the Government have been impressed by his intelligence, his broad outlook and his keen desire to serve the country. These qualities of the Yuvaraj single him out as a fit choice for the honour of being chosen the first Head of the State.

There is no doubt that Yuvaraj Karan Singh in his capacity as a citizen of the State, will prove a fitting symbol of the transition to a democratic system in which the ruler of yesterday becomes the first servant of the people, functioning under their authority, and on their behalf.

### **Big Landed Estates Abolition**

On Martyrs' Day, the 13<sup>th</sup> of July, 1950, the Government declared its policy of liquidating the big landed estates and transferring land to the tillers of the soil. On the 17<sup>th</sup> of October 1950 was enacted the Big Landed Estates Abolition Act. By this Act, the right of ownership in respect of lands in excess of 22 acres of land excluding orchards, grass and fodder farms and fuel reservers, was abolished and such land was decreed to be transferred to the actual tillers the extent of their possession. In this way, the right of the cultivator to the ownership of land in his possession was recognised and enforced. The abolition of landlordism is thus an accomplished fact and there is no going back on the decision already taken. The Big Landed Estates Abolition Act, however, provides for the Constituent Assembly to settle the question of compensation with respect to the land from which expropriation has taken place. That question is now before you for decision.

### **Kashmir as a part of India**

The Indian National Congress has consistently supported the cause of the State's peoples' freedom. The autocratic rule of the Princes has been done away with and representative governments have been entrusted with the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction, and above all built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy. Moreover, during the last four years, the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic State.

The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial divisions if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State, which is a throwback to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, colour, caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle, which seeks to favour the interests of one religion or social group against another. This affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

We are also intimately concerned with the economic well-being of the people of this State. As I said before while referring to constitution building, political ideals are often meaningless unless linked with economic plans. As a State, we are concerned mainly with agriculture and trade. As you know, and as I have detailed before we have been able to put through our 'land to the tiller' legislation and make of it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms through; are we sure that in alliance with landlord-ridden Pakistan, with so many feudal privileges intact, that this economic reforms of our will be tolerated? We have already heard that news of our Land Reforms has travelled to the peasants of the enemy-occupied areas of our State, who vainly desire a like status, and like benefits. In the second place, our economic welfare is bound up with our arts and crafts. The traditional markets for these precious goods, for which we are justly known all over the world, have been centred in India. The volume of our trade, in spite of the dislocation of the last few years, shows this. Industry is also highly important to us. Potentially we are rich in minerals, and in the raw materials of industry; we need help to develop our resources. India, being more highly industrialised than Pakistan, can give us equipment, technical services and materials. She can help us too in marketing. Many goods also which it would not be practical for us to produce here—for instance, sugar, cotton cloth, and other essential commodities—can be got by us in large quantities from India. It is around the efficient supply of such basic necessities that the standard of living of the man-on-the-street depends.

Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India, which may in the future convert it into a religious State where in the interests of Muslims will be jeopardised. This would happen if a communal organisation had a dominant hand in the Government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilising relations

between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, "I lift up mine eyes unto the hills, from whence cometh my help."

### **Kashmir and World Interest**

Finally we come to the issue, which has made Kashmir an object of world interest, and has brought her before the forum of the United Nations. The simple issue has become so involved that people have begun to ask themselves, after three and a half years of tense expectancy, "Is there any solution?" Our answer is in the affirmative. Everything hinges round the genuineness of the will to find a solution. If we face the issue straight, the solution is simple.

The problem may be posed in this way. Firstly, was Pakistan's action in invading Kashmir in 1947 morally and legally correct, judged by any norm of international behaviour? Sir Owen Dixon's verdict on this issue is perfectly plain. In unambiguous terms he declared Pakistan an aggressor. Secondly, was the Maharajah's accession to India legally valid or not? The legality of the accession has not been seriously questioned by any responsible or independent person or authority.

These two answers are obviously correct. Then where is the justification of treating India and Pakistan at par in matters pertaining to Kashmir? In fact, the force of logic dictates the conclusion that the aggressor should withdraw his armed forces, and the United Nations should see that Pakistan gets out of the State.