

Accord 1975 Background and Aftermath

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Abstract- This paper focuses on a very crucial and important issue that took place in 1975 between Indira Gandhi and Sheikh Abdullah the ruler of Kashmir. It was this agreement or accord which made the Kashmir a part of India .After working about five years on the said project I have reached to conclusion that this development was land mark in the history of India .I have started with the background which was set by then prime minister of India Indira Gandhi and its acceptance by then tallest leader of Kashmir and its repercussions which he faced there after all has been discussed in this paper.

I. INTRODUCTION AND ACCORD

It has been the policy of the Government of India to secure the active co-operation and involvement of all such forces in the country that has faith in the basic principles of the Indian political System. It was in accordance with this policy and after discreet feelers to the Sheikh following Beg's statement that the Government decided to have a dialogue with Sheikh Mohammad Abdullah who did not change his commitment to the basic national ideals in spite of the hardships he had to undergo. He reaffirmed: "The accession of the state of Jammu and Kashmir to India is not a matter in issue. It has been my firm belief that the future of Jammu and Kashmir lies with India because of the common ideals that we share¹.

1 As quoted in Siser Gupta, a study in India-Pakistan Relations [New Delhi, 1966], p 263

In the initial stages of the dialogue, Sheikh Abdullah demanded the restoration of the constitutional status as prevailing in 1953 for the state of Jammu and Kashmir. In other words he pleaded for the repeal of a number of post-1953 enactments and Presidential orders in relation to the operation of the emergency laws, imposition of the President's rule and the extension of the jurisdiction of the Supreme Court, the Election Commission and the Comptroller and Auditor General to the State of Jammu and Kashmir .The principle of the residuary sovereignty was sought to be upheld by changing the designation of the Governor and the Chief Minister to their pre-1964 nomenclatures of Sadar-i-Riyasat and Prime Minister respectively. Taking note of the consequences of these demands Hindu writes as a starting point for these negotiations Sheikh Abdullah and the two countries, India and Pakistan, came closer to each other. It was, however, difficult to see how Pakistan was concerned with it, when he had himself declared Pakistan as an aggressor. Instead of making Pakistan a party to the dispute, he should have asked her to withdraw from Kashmir.

It must, however, be noted that the demand for plebiscite, "... did necessarily imply that he (Sheikh Abdullah) wants to join Pakistan",² particularly when he was convinced that the

democratic and the socialist programme as set out in "Naya Kashmir", could not be implemented in feudal Pakistan. It also did not mean that he had lost faith in secularism and democracy. Had it been so he would never have said:" Never expect from Sheikh Abdullah that he would weaken India and its secular basis...

2 Indian express (new Delhi),6 November 1968

Again to quote *Times*³, it is well known that Sheikh still clings to the principles of secularism and parliamentary democracy and personally opposes Kashmir's accession to theocratic Pakistan⁴. One cannot but notice his faith in the secular character of India, which he thought should not be endangered while finding the solution of Kashmir problem.

He was referring to Pakistan as a party to the dispute and was making the demand for plebiscite, perhaps, in a bid to exert pressures on the Government of India to come on an agreement with him. ... "The offer of the plebiscite was made to Kashmiris and not to Pakistan therefore Government of India should come to a settlement with people of Kashmir"⁵

In his address to the business community of Kashmir in Delhi, Sheikh Abdullah by declaring that Kashmir came to Indian of its own free will, "...cleared the way for a meaningful dialogue between him and the Union Government...⁶ The era of dialogue started in 1972, when the chief lieutenant of the Sheikh, Mirza Mohammad Afzal Beg, declared :"We are prepared to consider in all sincerity the re-establishment of relations on the basis of the literal and lexical interpretations of Article 370 and its implications"⁷.

3 Shah no 16 p.14

4 times (London), 14 October 1968

5 Indian express (New Delhi), 6 November 1968

6 Times of India (New dDelhi) ,6 January 1968.

7 Mirza Mohammad Afzal beg ,Khuta-i-Sadarat Barai-Salanah ijlas Jammu and Kashmir mahaz-i- raishumari ,munqudah 5-7 July 1974(Srinagar July 1974) p

What Beg wanted was that the Government of India must recognize the autonomy of the state as it existed in 1953. Although it could not be possible to go back to the position of 1953, yet it could not be denied that the efforts put in by the Government of India and the leaders of the plebiscite Front made 'Kashmir Accord', possible.

The overall Kashmir Accord was by no means an easy achievement. The negotiations for the agreement conducted at two different levels - one dealing with the legal and constitutional matters and the other with political change-over were hard and time- consuming. In the course of the negotiations, there were occasions when the parties adopted rigid attitude regarding certain issues, as a result of which negotiations nearly broken down. But such occasions proved to be momentary,

because the parties being basically determined to resolve the problem had to accommodate each other's point of view. Thus the spirit of accommodation together with the firmness and resolution of the parties made the conclusion of the Accord possible.

The Accord brought the real leadership of the state back into the mainstream of national life, set at rest all uncertainties about the political future of the state, put an end to the conditions of instability that had been prevailing in the state and created conditions conducive for the economic development of the state. *Amrit Bazar Patrika* comments on the effects of the Accord on the internal situation of the state as: "Since the Kashmir Accord came into force, the state has been free from all internal tensions and conflict.⁸ It presents today a picture of peace and stability and is praised for rapid economic and social progress

⁸ As quoted in the preface to new *Kashmir :constitution and outline economic plan for the state of Jammu and Kashmir :including ladakh and the frontier regions and the poonch and chainani llagas* (new Delhi) p .6

Since Sheikh Mohammad Abdullah had failed to secure the right of self-determination for the people of Kashmir, which he had been advocating for more than two decades, the events of 1971 provided him with an opportunity to give up the demand and make efforts to undo the erosion of the state's autonomy during his absence from active political life. He however, failed to impress upon the central leadership the fact that, Kashmir's position is unique since it initially limited its accession to certain finite heads⁹ and that his demand to restore the constitutional position of 1953 could not be equated with the demand for autonomy by other states whose position was different from the state of Jammu and Kashmir. Though he adopted a stiff attitude for some time, but ultimately "... relented and accepted what was for all intents and purpose, the status-quo ,however he was able to get two things: a)That Article 370 of the Constitution would be treated a permanent Feature of the Constitution;¹⁰

b) That the state legislature could review certain laws extended to the State after 1953. In this case he has been promised 'sympathetic consideration', which of course cannot be said, is an assurance that the request for the revision of laws would receive the Presidential assent. This makes one feel that the going may not be easy for him, especially due to the change in the central leadership.

9 P.N.K Bamzai *A History of Kashmir from earliest times to the present day* (New Delhi 1962) p 15-16

10 Ibid. p 21

Though the statement of Mr. Beg that....only a fraction of the central laws will require a revision¹¹, is an attempt to assure the Central Government that the Kashmir leadership is out to demand too much, yet much will depend upon the attitude of the new Central leaders particularly those who had earlier opposed the process of reconciliation.

The political accord which brought about an unorthodox pattern of Government in the state of Jammu and Kashmir, .had been under strain from the start"¹², because certain weaknesses

inherent in it surfaced on the political scene immediately after Sheikh Abdullah formed the Government. Those weaknesses are:

No sincere and serious efforts were, ...made to broaden the base of what was essentially the product of report between two individuals, Mrs. Gandhi and the Sheikh...¹³ Such efforts might perhaps have helped in removing the suspicions between the National Conference and the Congress, with the consequent continuation of coalition beyond March 1977. However while drawing such a conclusion, we must keep in mind the chaotic conditions within the Congress Party that preceded and followed its debacle in the Parliamentary Elections of 1977;

11 Siser Gupta: A Study of India -Pakistan relations (Bombay 1966) p.51

12 Sadiq . No 3 p 12

13 Syed Mir Qasim : a leaf from the history of Kashmir

A) The political accord provided that the Plebiscite Front, having rendered itself useless, would be dissolved and the Congress in return would surrender power in favor of Sheikh Abdullah. What the accord failed to provide was a long-term political arrangement between the National Conference and the Congress, which could have defined their relation and role in the new circumstances.

The absence of such an arrangement was a serious weakness in the political accord because of which the relations between the two were a sort of, love-hate relations' which would sometimes promise, to introduce cohesion in the state's political life¹⁴, and sometimes, threaten to upset the very basis of the accord.¹⁵

Mirza Afzal Beg, the Vice- President of the National Conference described the 1977 Assembly elections,... as essentially a plebiscite over the issue of Kashmir's internal sovereignty¹⁶ the statement of Mr. Beg equating the elections with plebiscite is pregnant with contradictions. His party, the erstwhile Plebiscite Front, time and again rejected the claim of the Government of India that the participation of the people in the elections was tantamount to upholding the state's accession with the Indian Union. How then, could the 1977 elections be treated as a plebiscite?

14 AICC Economic renew (New Delhi) vol 2 No 13-14 (January) 1969 p 25

15 Dhār op cit p 233

16 Sadiq op .cit p 12

Assuming that the election was a plebiscite, one may safely conclude that, "... India won it without any dissenting vote. For none of the contesting parties or candidates questioned the fact of accession of the state to India¹⁷.

17 Gupta op cit p 93

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