A Response To Mr. Shabir Dar's G-Mail Questionnaire

A Just, Realistic, Viable And Rational Solution To Jammu-Kashmir Problem

Shabir Dar's (from Rising Kashmir Newspaper)
G-mail-Questionnaire

10 February, 2009

Sir,

I am Shabir Dar from Rising Kashmir newspaper. Sir, Your goodself being one of three living members of Constituent Assembly. So, I and my newspaper is interested in carrying your interview in our special edition. Sir, I feel previlaged in forwarding you a questionnaire. And I am hopeful, that your goodself will do me a favour by writing the answers of these questions. Here is the questionnaire:

1. From which party you were elected to constituent assembly?
2. What was the political scenario at that time?
3. How constitution evolved? And what was the influence of socialist revolution or the capitalist revolution of that time on the formation of constitution.
4. What type of society and polity you wanted to create in Jammu-Kashmir?
5. We had acceded to India, and a constitution was developing there at that time, So what was the need of developing a separate constitution of Jammu-Kashmir?
6. Irrespective of fact that there were towering personalities like you in the assembly, but many of the members were illiterate and naïve and they were simply the followers of Sheikh Mohammad Abdullah and his coterie. What did it suggest?
7. What was your contribution in constituent assembly?
8. Any specific incident you remember about the proceedings of constituent assembly.
9. Do you feel that the constitution of the state framed in 1957 has still any role or strength, when most of the matters in the state are governed by the constitution of India and its legislature?
10. What was the reason that most of the members of constituent assembly were elected unopposed.
11. Was the constituent assembly entitled to ratify the accord of the state with the union of India?
12. The separate identity is completely being eroded. Does this constitution have any relevance now? Why it should not be done away with?

Response To The Above Questionnaire

Dear Shabir Dar Saheb,

Thank you for your G-Mail Questionnaire. Here are my answers to your questions:

1. I was elected a member of Jammu-Kashmir constituent assembly in 1951 as a candidate from the National Conference.

2. The political scenario concerning Jammu-Kashmir in 1951 was characterised by varying political forces at five levels, i.e., Jammu, Kashmir, India, Pakistan and the world.

At Jammu-Kashmir level, the Kashmir valley was mainly dominated by National Conference, Jammu's Dogra region was cheifly influenced by the political thinking of the Praja Prishad (the original name of BJP). The two border regions of Jammu province, i.e., Poonch, Rajouri and Chenab valley looked to Kashmir valley.

As regards India, it constitutionally wanted to make Jammu-Kashmir as a state like the other then existing Indian states.

As to Pakistan, it wanted to get control of Jammu-Kashmir at all costs.

At the international level, the western camp led by US was in favour of establishing an independent Jammu-Kashmir. Soviet Union did not immediately express any firm opinion but was

internally opposed to the Western standpoint. The newly established Mao Tse-Tung regime in China then followed the Soviet line

3. The evolution of Jammu-Kashmir constitution had been a complicated process. Both the socialist and the capitalist ideas, each has its own influence on the constitution-making on the basis of the number of socialist and capitalist sympathisers and their capacity in the assembly.

4. National Conference as a party stood to build a new society and polity in Jammu-Kashmir on the basis of its programme of New (Naya) Kashmir.

5. The need for developing a separate constitution for Jammu-Kashmir arose from the instrument of accession signed by Maharaja Hari Singh which (i.e., instrument of accession) when approved and accepted by lord Mountbatten, then (1947) Governor-General of India, contained the remarks that, after the restoration of peace in Jammu-Kashmir, a referendum would be held to ascertain the wishes of the people of the state.

6. The 1951-political situation existing in Jammu-Kashmir was characterised by the fact that only Sheikh Mohammad Abdullah commanded a firm majority in the whole of Jammu-Kashmir state. In the Kashmir valley, Sheikh's opponent group—the Muslim Conference—had already fled to Pakistan when the Indian forces pushed the Pak resident tribal raiders to Pakistan. So, naturally all the constituent assembly members who were followers of Sheikh Abdullah in the valley, whether illiterate or naïve, were acceptable to the Kashmiri people. In the Jammu region, Sheikh Mohammad Abdullah had snatched a major chunk of Parja Prishad's (Or Jan Sangh's) base by introducing anti-feudal land reforms, (which allowed only one-fourth land with the big owners and distributed three-fourth among the landless, i.e., scheduled castes, backward castes, poor and deprived) and the ending of old Sahukari debt system. Thus, both in the Kashmir Valley and the Jammu region, Sheikh Mohammad Abdullah had a lead over his rivals.

7. No one can be an objective reader or examiner of his own performance. If someone is interested in knowing my humble work in the assembly, he can go through the entire printed and published proceedings of Jammu-Kashmir constituent assembly and then have an objective assessment.

8. As regards your demand for a highly specific incident of Jammu-Kashmir's constituent assembly, it had been the election of the first Sadar-e-Riyasat (the President) of Jammu-Kashmir. Here, the facts are as follows:

It is well known that in case of the election of the first Sadar-e-Riyasat of Jammu-Kashmir, Sheikh Mohammad Abdullah acted on the advice of Jawahar Lal Nehru, the then Prime Minister of India. Sheikh Mohammad Abdullah proposed Sri Karan Singh (the son of Maharaja Hari Singh) as the first President of Jammu-Kashmir and appealed to the house to pass it unanimously. To counter Sheikh Saheb's pro-feudal proposal, I proposed and humbly appealed to the whole house that Mahasha Nahar Singh (who was elected as a scheduled caste member from the Samba-Bishnah double member assembly constituency from which I was a member for the general seat) be elected as the Sadar-e-Riyasat of Jammu-Kashmir. I Further appealed that the success of Mahasha Nahar Singh will be a victory of the down-troden. This proposal was supported by four others hon'ble members of the constituent assembly, i.e., hon'ble K.D. Sethi (Nowshera Constituency). hon'ble Pandit Mahant Ram (Basohali constituency), Hon'ble Thakur Ram Saran Das (Nagrota constituency) and Hon'ble Mahasha Nahar Singh (Samba-Bisnah constituency), Sheikh Mohammad Abdullah opposed our proposal and Sri Karan Singh was elected with an overwhelming majority. Interestingly, only some period after, one night Sheikh Mohammad Abdullah was arrested on the charges of sedition by the order of the Sadar-e-Riyasat Karan Singh. For about 25 years (1951-1975), Sheikh Abdullah remained a detenue for most of the time and released two or three times to meet the ruling group's political maneuvers. From the jail, Sheikh Abdullah asked his followers to form the Plebiscite Front for the independence of Jammu-Kashmir.

Had Mahasha Nahar Singh been elected as Jammu-Kashmir President, Sheikh Mohammad Abdullah in 1953 would not have been arrested and the history of Jammu-Kashmir and the sub-continent would have taken a different course.

9. In my opinion, now there is no fundamental difference between the two constitutions of India and Jammu-Kashmir. Both are corporate or capitalist-oriented where 70 percent poor and destitute have no value.

10. In both regions, the opponents of National Conference had a weak base. Before the elections, the leaders of Muslim Conference (then the chief opponent of National Conference) in Kashmir had fled away to Pakistan, while in Jammu, the base of Praja Prishad was shattered and eroded by Sheikh government's granting of landlord's lands to the deprived and poor farmers and the ending of old Sahukari debt system.

11. Constitutionally, the Constituent Assembly was fully sovereign to adopt the future status of the state—whether to remain independent or to join the union of India or to pursue any other option.

12. Whether the Jammu-Kashmir state constitution remains or goes, it does not and will not make any difference to the people here, there or no where.

13. In the end, coming to your unnumbered last suggestion demanding some more information from me concerning the Jammu-Kashmir problem, I herewith put forth two specific matters concerning this problem. One is (a) "Sheikh Saheb's role in the agitation on the theft of Mooai Muquadas from Shahi mosque, Srinagar and his role as Jawahar Lal Nehru, Prime Minister of India's special messenger to Ayub Khan, then President of Pakistan, and the other is (b) Our Proposal Concerning A Just, Realistic, Viable And Rational Solution To Jammu-Kashmir problem.

Sheikh Saheb's Role In
The Mooai Muquadas Agitation
And His Role As A Special Messenger
Of Prime Minister Jawahar Lal Nehru

In 1962, Sheikh Abdullah was released from detention after the agitation of the Kashmiri people on the theft of the sacred hair from Hazrat Mohammad Saheb's beard placed in Shahi Mosque in Srinagagar, spread to the whole valley. However, Sheikh Saheb's sincere and people-friendly approach borne fruit and the prophet's hair was recovered. The person who has taken it from its fixed sacred place, again placed it there. The agitation ended with Kashmiri peoples satisfaction and the further rise of Sheikh's public respect and esteem.

After the satisfactory end of the above-said agitation, Sheikh Abdullah visited New Delhi, where he met Jawahar Lal Nehru, then Prime Minister of India who was confined to bed due to some serious ailment. Nehru extended him a warm welcome on his role in recovering Mooai Muquadas and entrusted him a new task of delivering Nehru's new proposal on Jammu-Kashmir to Ayub Khan, then President of Pakistan.

Nehru's Proposal To Ayub Khan

This proposal emphasises that, while the regions of Jammu and Ladakh having been overwhelmingly dominated by the people of Hindu and Budhist faiths, look to India as their homeland, the Kashmiri people in the Kashmir valley are divided in their approach towards India and Pakistan. Some favour India, while others follow Pakistan. Therefore, Nehru's proposal emphasised that valley should be jointly managed by both India and Pakistan.

The other specific matter is "the problem of Jammu-Kashmir" which has remained a highly dangerous and troublesome problem between India and Pakistan, involving them into three wars, and harming the interests of both the countries, even dividing Pakistan into two parts, and which constitutes the chief threat to world peace and harmony. This problem has been lying with the UN and its security council for the last 61 years, but the UN and its security council has not taken even a single step either to bring India and Pakistan nearer to each other or to put forth its any viable solution before the world people. During this period, many changes have come in the thinking of various big, medium or small countries, but the UN and its security council still remain mired in their traditional mould of imperialist or big power politics.

Our Proposal Concerning A Just, Realistic, Viable
And Rational Solution To Jammu-Kashmir Problem

A Just, realistic, viable and rational solution to Jammu-Kashmir problem has been, is and should be to proceed from the fact that it is a trilateral problem, involving Jammu-Kashmir People, India and Pakistan. Its trilateral character should be dealt with by handing over defence, foreign affairs and currency to a joint Indo-Pak Friendship Institution for Jammu-Kashmir, which will not tie itself up

with any superpower. All other matters concerning Jammu-Kashmir will vest with the Jammu-Kashmir people (or their government). As an independent unit, Jammu-Kashmir state shall be an independent federal state.

The Jammu-Kashmir federal state will have its own federal assembly, elected by its six state or regional assemblies and deal with environmental problems, humanitarian issues and constitutional-legal matters. Its self-ruled states or regional zones will be: (i) Ladakh, (ii) Kargil, (iii) Kashmir Valley, (iv) Jammu Region, (v) Poonch-Rajouri and (vi) Chenab Valley.

The regional aspirations and interests of Jammu-Kashmir People on the Pakistani side will be met by making Pakistan administered area as an independent federal state having its own regional assembly and deal with environmental problems, humanitarian issues and constitutional-legal matters. Its self-ruled states or regional zones will be: (a) Poonch, Bhimbar, Mirpur, i.e., Pathwari speaking area, and (b) Baltistan and Gilgit i.e., Northern Areas.

Lastly, both India and Pakistan as well as the two divided Jammu-Kashmir parts are committed to unite the two existing divided parts of Jammu-Kashmir into one Jammu-Kashmir State

* The ethnic Kashmiri Pandit community be settled in Kashmir valley and the entire settlement plan be put before the Pandit community for its approval.

* The sixty one year old demand of the various types of 1947 West Pakistani Refugees will be met by recognising them as permanent residents of Jammu region.

* Long pending demands of different varieties of border refugees unsettled (due to Indo-Pak wars and continued skirmishes between Indo-Pak forces on the border) be settled by awarding due compensation to them.

With best wishes to Shabir Dar, his capable staff and his talented readers.