

## IMPLICATIONS OF INDIRA – ABDULLAH ACCORD

By Late Lt Col Bhagwan Singh

Lt Col Bhagwan Singh (who passed away on 13 July at the age of 95) was not only a soldier of great renown but also a prolific writer who besides authoring a number of books, gave forceful expression to his strong views on political and social matters through his write-ups in the form of articles and letters to the editors, that appeared fairly regularly in national and local dailies (including **The State Times**)/periodicals, over the large span of 50 years after his retirement. This article, which he wrote in 1975, (the year of the Accord), constitutes a historical document, in the sense that it voices the other side of the story that was put out by the Central and State Governments. The article makes interesting reading in view of its relevance even today. It is reproduced in lasting memory of the late Colonel.

Two years of hectic negotiations, between the Prime Minister and an individual have produced, the now famous, Indira – Abdullah Accord. As a result of this, 25<sup>th</sup> February witnessed the return of Sheikh Mohammad Abdullah from oblivion to power with a loud bang but through the back door and through the exclusive support of those whom he was never tired of condemning as the product of rigged election.

About ten thousand policemen, especially summoned from Punjab and other states, were deployed in Jammu alone to enable the Sheikh to take his oath of office and later address a well guarded meeting at the Secretariat ground, while Jammu observed a complete *hartal* against his imposition. Processions consisting of mostly villagers, transported under Government's patronage were allowed passage through the police cordons even where Section 144 had been enforced while black flag demonstrators were stopped on account of it. Ruthless *lathi* charges and bursting of tear gas shells by the police and pelting of stones by the demonstrators in retaliation was then the order of the day. Several people were admitted to the hospital with broken limbs, while some policemen were also injured.

Things in the Valley were no better. Punjab police in large numbers was dispatched in advance to keep the situation under control and Section 144 was enforced in sensitive areas. All those in the Valley who do not see eye to eye with the Sheikh are not necessarily pro-Pakistan but they cannot escape the charge when even the Jan Sangh people, who are opposed to the very existence of Pakistan, are branded as Pak-agents, simply because both they and Bhutto are speaking against the Accord. If people become pro-Pakistan by coincidentally saying what Bhutto says, even if for opposite reasons, those who were one with him in demanding plebiscite, until they were bribed into power, or those who opposed the erosion of the special status of the State as Pakistan did, whenever such erosion was seen to have occurred, are no less Pakistan agents. As a matter of fact those who have advocated, supported, and even accepted the special status for this Muslim majority state of India, are even worse, as by doing so they have only lent support to Jinnah's Two Nation Theory.

The Sheikh has often said that he could not create confidence among Muslims without autonomy or special status. His latest reasoning is that the Accord, by granting that special status, has given the Kashmiris a place of honour in India. Does he imply that the people of other states are without a place of honour. The former Chief Minister Mr. Mir Qasim, while speaking on the motion of thanks to the Governor for his address to the State Legislature, was quite forthright when he said that integration could not be forced by law and that it could take place only by the will of the people but did he ponder over the reasons behind the peoples

unwillingness? Why is it that in spite of every thing having been done – from the removal of the Maharaja to the grant of a favoured peoples’ treatment to meet every wish of Sheikh Abdullah and others claiming to represent the people, including the pouring in of crores of rupees for the betterment of the people - this willingness is still a far cry? The reason quite obviously is nothing but their communal mindedness.

It is sometimes said that the Sheikh has only stuck to the limited accession made by the Maharaja. All the other Maharajas also made a similar accession but they were not allowed to stick to it. They were presented as enemies of democracy and were unceremoniously removed from the scene, while the Sheikh has been brought back to the scene for implementing the “autocratic” Maharaja’s wishes. If the Sheikh is really what he professes to be, why is he so afraid of the Indian Constitution, the Supreme Court, and the Election Commission?

One more reason that is said to have weighed in favour of a settlement with the Sheikh is his popularity among the masses, particularly in the Valley. This did hold good decades back, but the masses had almost forgotten him now, and the Sheikh was not unaware of it. No one sure of his popularity would have accepted the humiliation of coming to power with the exclusive support of those whom he had repeatedly condemned as representing no one. It is not difficult for any one, after coming to power somehow, to gather people round him by distributing governmental favours, or by resorting to other corrupt practices.

The Congress was constitutionally free to elect anybody as its leader, but by electing a non-member and a person whom it had rejected, it has made a confession that either the party consists entirely of duds or the pressure from above was too great for it to resist. Not only were the anti-Abdullah records lying in the party office hurriedly destroyed but some of its very responsible members also swallowed their words that they had previously uttered against reconciliation with the Sheikh. Is this how democracy is going to function in India?

The stories of grand welcome accorded to the Sheikh at the Jammu railway Station and elsewhere as broadcast over the radio and television have, to say the least, amused the people who know better themselves. The Sheikh had himself admonished them for not being truthful in covering the strike in the Valley in response to Bhutto’s call. “India should have confidence in herself” he had said, “and should not build a structure on untruths.” Why he did not take notice of a similar attitude of the same media in respect of the *hartal* and police violence in Jammu on the day of his installation is, however, too obvious to need any explanation.

Now about the agreement itself. **Clause I** of the agreement reiterates that the State of Jammu and Kashmir is a constituent unit of India but its relations with the Union shall be governed by Article 370 of the Constitution of India. This perpetuates the semi-independent status of the State – with a separate constitution and a separate flag. What satisfaction can India derive from merely considering the State territory as its part when it has only to shed blood for its defence without having any right to acquire an inch of land in it. The Centre can only be a silent spectator to the State making its own laws, except in matters relating to Defence, Foreign Affairs, and Communications. The helplessness of the Centre in the matter of naming the Radio Kashmir as Akashwani would show that the State could successfully meddle even in a Central subject.

**Clause II** enables the Centre to make laws relating to activities rarely likely to take place, such as disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession or secession of a part of territory of India, or causing insult to the Indian National flag, the Indian National Anthem and the Constitution. Almost all of these are matters in which even foreign countries are committed not to indulge under the international law. Does not the flying of a separate State flag as a rival to the Indian flag, within a territory proudly called Indian, amount to dishonouring the Indian flag?

**Clause III** provides for repeal of modifications made to Article 370 (after 1953) towards the greater integration of the State with India, in consultation with the legally constituted governments of the State, of the time.

**Clause IV** provides for repeal of all laws made by the Parliament for the State including those extended after 1953, in spite of the Prime Minister's "refusal to put the clock back."

**Clause V** provides for amendment in the State's constitution, of any provisions relating to appointment, powers, functions, privileges, duties, and amenities of the Governors and superintendence, direction, control etc of elections by the Election Commission of India, thus reviving the possibility of elections known as "Abdullah Type". The helplessness of the Governors has already been taken for granted by the people and any addition to it will hardly evoke their concern. Preventing and weakening of the jurisdiction of the Election Commission, however, cuts at the very roots of People's democratic rights and cannot be accepted at any cost.

**Clause VI** speaks of the lack of agreement on the question of nomenclature of the Governor and the Chief Minister, but a provision favouring the Sheikh in this regard is already there in the preceding clauses.

Whether the Accord on the whole means a few concessions to the Sheikh so that he could show them to the people, as described by the Prime Minister, or a complete surrender on the part of the Centre, as described by the President of the Jan Sangh, depends upon how its provisions requiring of the President's assent are actually implemented. The President's assent boils down to the will of the Prime Minister who is a party to the Accord. The compulsions which necessitated the inclusion of such provisions in the Accord now, will be much greater when the Sheikh establishes himself firmly in the saddle, and has the full backing of the State Legislative Assembly. Withholding the President's assent in such a situation can become a difficult affair.

If the idea behind the Accord was to end confrontation, as stated, the reverse has been the result. A perfectly calm and peaceful atmosphere of the State has been disturbed and tension in its regions increased. In Pakistan anti-India propaganda has been raised to a new pitch and efforts are being made to reactivate a dead issue internationally.

Whether one likes it or not the implications of the Accord have to be squarely faced. An elected government, which was inching towards complete integration with India, has been replaced by one that is basically and strongly opposed to it. This is a matter, which will continue to exercise the minds of all genuine lovers of secularism, democracy, and nationalism within the State, as well as in the rest of the country, until full integration is achieved.