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Dr. Abdul Haseeb Mir
Assistant Professor,
Department of Social Sciences,
Akali University, Talwandi
Sabo, Bathinda Punjab, India

Elections in Jammu and Kashmir (1964-75): Challenging the historiography of a thriving democracy

Dr. Abdul Haseeb Mir

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Abstract

This article challenges the historiography that represents thriving democracy in the state of Jammu and Kashmir between 1964 and 1975. It not only shows that how the political leadership in the state moulded the political institutions in their favour, but also analyses the fact that how the present day democratic challenges in the state are linked back to past.

Keywords: Elections, democracy, Jammu and Kashmir, political institutions

Introduction

The prevalence of democracy, as a method of electing representatives and as a tool of governance, in a given society reflects its level of development. However, the very essence of the democracy is questionable when it is 'guided' or 'managed' by external forces. (Adejumobi 2000, 59-73) ^[1] Thus for scholars of democracy and constitutional government both free and fair elections as well as the institutional progress and development are very soul of 'democratic promotion'. (McFaul 2004, 147) ^[2] Contextualising the above analysis this article locates the 'rise and fall' of democracy and democratic institutions in the state of Jammu and Kashmir. (Widmalm 1997, 1005-30) ^[4] It focusses on the democratic procedures between 1964 and 1975.

The state of Jammu and Kashmir after its accession to the Union of India, at least in its early years, was not governed as a 'normal state'. (Baba 2020, 89-110) ^[5] Instead the very democratic credentials of the Indian state have remained 'questionable' when its approach and policies towards Kashmir are analysed. (Wani 2019) ^[6] Although scholars who have studied the subject have argued that Indian democracy has relatively remained 'successful', however, it can be argued that it could not, in its real essence, takeover in Kashmir due to the varied reasons. (Kaviraj 2014, 72-99) ^[7] This article tries to probe why such a democratic transition or development was not possible in Kashmir.

Democracy in Jammu and Kashmir: A Historical Overview

Since its accession with the Union of India, Jammu and Kashmir was governed as the 'state of exception', where exceptional methods were always brought into practice. The first government that was formed in the state in 1947, commonly known as the Emergency Administration, was the first glare example of this. Sheikh Mohammad Abdullah was 'installed' as the first administrator by the government in Delhi with no prior acquiescence of the people of the state. Abdullah was 'nominated' as the head of the emergency administration by Maharaja on 30th October 1947, and subsequently secured complete authority over all the matters of state on 5th of March 1948, when the Chief Administrators post was changed into the post of Prime Minister and the emergency council was changed into regular Council of Ministers. Paradoxically, this government was called Qoumi Hakoomat' [National Government] or 'Awami Hakoomat' [Peoples Government]. (Wani, 73) Nevertheless, there was neither any Qoum involved in its formulation nor any Awaam. In 1951, Karan Singh, in the capacity of a regent, against the resolutions of the United Nations, issued an order calling for the establishment of a Constituent Assembly in the state to elect 100 representatives, for framing a separate Constitution for the state of Jammu and Kashmir. (Bose 2003, 55) ^[8] However, the polls for Constituent Assembly established the nastiest example for the future of democracy in the state.

Corresponding Author:
Dr. Abdul Haseeb Mir
Assistant Professor,
Department of Social Sciences,
Akali University, Talwandi
Sabo, Bathinda Punjab, India

Sumantra Bose writing about this election marks that ‘the manner in which this election was contested made a mockery of any pretence of the democratic process and a grim precedent for future free and fair elections in Jammu and Kashmir.’ (Bose 1997, 31) ^[9] This could be understood by this fact that Abdullah’s National Conference won all the 75 seats in the elections. ’ (Bose 1997, 31) ^[9] Unsurprisingly, 73 of the 75 seats went to NC unopposed. In actual there was no polling at all. It would be prudent to make here that when the list of successful candidates for the Constituent Assembly was presented to the Governor-General of Independent India C. Rajagopalachari by J.N. Zutshi, one of the members of the Sheikh’s Emergency Administration’, Rajagopalachari commented that “it is accepted that the organisation of Abdullah enjoys undisputed popularity but could not you, Mr Zutshi, rig elections in a few constituencies to accommodate few opposition members to make it appear as an election.” (Gauhar 2002, 44) ^[10] This method was to be followed in all the elections that took place in Jammu and Kashmir to date. Since Abdullah was dismissed in 1953 and Bakshi Ghulam Mohammad was ‘nominated’ as the new Prime Minister, he was only to follow his predecessors ‘idea of democracy’. In the elections of 1957 Bakshi’s political Party ‘National Conference’ won 69 out of 75 seats. Of the 43 seats from the valley, 35 were won unchallenged. It was about these elections that Prem Nath Dogra would state on the floor of the Assembly that “The party in power has not swept the ballot (papers), but ballot boxes. If the facts are narrated even the fascist dictators like Mussolini and Hitler would stand frightened”. (Jammu Sandesh Weekly, August 11, 1957) Likewise, in the 1962 elections NC won 68 out of 75 seats. G.N. Gauhar an eye witness to the elections and himself a candidate contesting from Budgam area in Central Kashmir, terms February 5th, 1962, the day of scrutinizing nomination papers, as the ‘Blackest Day’ in the history of democracy in Kashmir for the reason that there were the largest number of ‘political abductions’ on that day. Those who had filed nominations were abducted from their homes in the intervening night of 4th and 5th February 1962 and kept at unknown places. (Gauhar, 65) Paradoxically, the 1962 assembly polls were so much rigged to give an enormous win to Bakshi that Prime Minister Nehru would write to Bakshi that ‘in fact, it would strengthen your position more if you had lost few seats to bonafide opponents’. (Akbar 2003, 258) ^[12] In response, Bakshi wrote to Nehru that ‘if you stick to democratic principles, you will never be able to have peace in Kashmir.’ (Rajan 1984) ^[13] It is argued that New Delhi’s policy in the state since early days was clear that “Only those who unequivocally agreed to follow the Indian state’s agenda in Kashmir could aspire to office, or indeed, play any sort of role in institutionally sanctioned politics”. Therefore, Bakshi was a part of a scheme where “he would be allowed to run an unrepresentative, unaccountable government in Srinagar in return for facilitating state’s “integration” with India on New Delhi’s terms” as argues Bose. (Bose 2003, 67) ^[8] In fact these techniques still persist in the state despite the regime change in New Delhi and Srinagar over the decades. Thus the democracy as it developed in other parts of India was not same in case of Jammu and Kashmir. The democracy in his part of world was more driven by the ‘national interest’ paradigm than the core ideas of constitutional democracy.

Democracy under G. M. Sadiq and Syed Mir Qasim: - An Analysis

With the accession of Ghulam Mohammad Sadiq to the position of Prime Minister in the state, a great change was expected for the reason that in his first press conference detailing his policy as the Prime Minister of the State, he promised a complete break from the past and announced a series of measures to satisfy the demands of the people of the state. But he too proved to be a farce. Firstly his elections as the Prime Minister was questionable for the reason that the collapsing of the state administration during the relic crisis of 1963-64 could have been in no way justifiable to remove Shamsudin from the position of power. (Kanth 2020, 114-35) ^[14] And if corruption and maladministration were reasons for bringing in Sadiq to the post of Prime Minister, it should be said that Sadiq himself had been a part and parcel of the administration himself until October 12, 1963, and thus could not have suddenly absolved himself of all the responsibilities. (The Statesman, January 24, 1963)

Furthermore, elections that took place during the period were the continuation of the previous process initiated by Sheikh Abdullah and carried forward by Bakshi in the state. Bakshi would at least try to provide grounds for rejection of papers of the opposition candidates. On the rather hand Sadiq was a realist and as such would consider such pretexts as hypocrisy. He believed in transparency and unmindful of what the people say, he wrote a history of complete rejection of the papers of the opposition candidates. His bandwagon of candidates was collectively and openly at all levels called as ‘Khaliq Made MLA’s’. Abdul Khaliq a state bureaucrat who worked for the Sadiq government rejected all the nomination papers of opposition groups in the state and accepted only those of Sadiq’s party, making them get elected unopposed. G.N. Gauhar who was officiating the elections of 1967 as Presiding Officer at Pulwama would report that “This author (Gauhar himself) was named presiding Officer for Pulwama town, but neither was any poll held no did this author acquire any experience to supervise any polling”. (Gauhar, 75) In the elections of 1967, the rejection of 118 nomination papers of the opposition candidates materially affected 39 out of 75 assembly constituencies and ensured the unopposed return of Congress candidates in 22 out of 42 constituencies in the valley. (The Indian Express, May 20, 1966) When these unopposed legislators went to meet Prime Minister Indira Gandhi to elect Mir Qasim as the head of Congress Party in the State Assembly, the Prime Minister made them understand that what they were and how Abdul Khaliq Mir had a role in their political life. “You have no *locus standi* to speak for people because you are not elected representatives of the people. The officials of the state government and the election commission had to commit countless irregularities to get you elected”. Niren Ghosh, an Indian Parliamentarian, would call the 1967 Assembly elections central government’s “Political Robbery” in Kashmir. (Shah 1967) ^[17] It was about this election that more than a dozen Indian Parliamentarians and politicians of repute would issue a statement on February 16th 1967 and declare election in Kashmir as a ‘farce’ and demand a probe by a high powered committee. (Shah, 1-2) The London Times would go a step ahead and state that “Kashmir is an exception to the honesty of the Indian electoral process”. (The London Times, February 17, 1967) The *Organiser*, mouthpiece of RSS in India, would comment that in Anantnag, where Abdul

Khaliq Mir was the Deputy Commissioner, had 12 out of 15 legislators elected unopposed to the state assembly. (The Organiser, January 29, 1967) According to Chief Election Commissioner K.V.K, Sundaram 54 nomination papers of a total of 108 were rejected on the ground that candidates had not taken oath before the Returning Officer as required by the constitution. (The Times of India, February 9, 1967) It is to be said that a sitting Member of Indian Parliament, Sham Lal Saraf, was one among those who were alleged to have not taken the oath and later stated that he had been running after the Returning Officer for two days, but failed to get his oath recorded. Syed Nizamuddin, sitting MLA in Jammu and Kashmir Assembly, recorded his oath in an open court, but his papers were still rejected on the plea that he had not taken the oath. (Shah, 7-8) Thus the policies of Sadiq were no different from his predecessors like Sheikh and Bakshi and this was how democracy worked in Kashmir under Sadiq in Jammu and Kashmir.

Sadiq's successor Syed Mir Qasim was only to follow the path laid by his three predecessors. By the time he turned to be the chief Minister of the state, Sheikh Mohammad Abdullah and his "Plebiscite Front" had already made a shift in their election boycott policy and decided to participate in the elections for the state assembly that was scheduled to be held in 1972. But before they could participate in the elections the Front was banned and all its cadres put in jails. There were several reasons responsible for banning the Plebiscite Front at this point, but the major factor was that Sheikh had great popularity in the region. Sheikh's triumph in the polls was an expected conclusion and with that, the Congress party in the state would have seen its chapter closed in Kashmir's political history forever. (Qasim, 132, Ankit, 2018, 88-102)^[22].

However, it must be said that Sheikh Mohammad Abdullah's proxy candidates in the Parliamentary elections of 1971 were too a travesty in the name of democracy. Sheikh Abdullah had given the mandate to Shamim Ahmad Shamim, against the former Prime Minister Bakshi Ghulam Mohammad from Srinagar parliamentary constituency. (The Indian Express, New Delhi, August 9, 1971.) It was here when Moulana Masoodi had made an interesting statement during an election campaign at Hazratbal shrine, that "if Sheikh Mohammad Abdullah asks you to vote for a *Khamba*, a steady wooden pole, you simply have to do as directed by Sheikh Abdullah, irrespective of the fact that whether it makes any sense or not". This was the greatest irony of Kashmir's electoral history, which resulted in the bringing up of only riff-raff, corrupt and weak people to the positions of power in the region. It was only in 1977 that some sort of legitimate democracy was noticed by people in Kashmir when Morarji Desai led Janta Party formed its unit in Kashmir to contests against Sheikh Mohammad Abdullah. However, all the 47 segments of total 75, which Sheikh won, were all Muslim dominated constituencies, which Sheikh had successfully exploited in the name of autonomy, self-determination and Pakistan, during the elections campaign. (Butt, 207, Ahmad, 61)^[24]

Conclusion

After the accession of the state of J&K to the Union of Indian in 1947, the leadership in New Delhi followed Nehruian dictum of "national interest and integration" which in practice was deemed more significant than following the democratic procedures. It created a section of local "clients" who collaborated with its directives, finally

culminating in the death of the democracy in the region. While New Delhi was securing the political balance by rotation and replacement of one leader by another, the opponents found least space for their dissent. Such a kind of political atmosphere resulted in germination of a kind of sentiment which finally gave birth to a space where holding guns and tossing grenades became the passion of the youth.

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