

Article 35-A Inducted in the Constitution of India at the Back of Parliament on 14th May 1954 was A Discriminative in Nature as was also Conceded by the Then Addl. Attorney General of India in The Apex Court- A Laudable Step in Scrapping the Same

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Without going back to the background of chain of transactions full of tailoring by fraud and deceits, the issue being restricted and the provisions of subsistence of Article 370 and it illegitimate baby 35A in the face of the Constitution of India and the Constitution of Jammu and Kashmir without upholding or concessions of the past but for the sake of brevity, the dis-information spread by the Kashmir centric leaders deserves to be combat being duty cast under section 25 of the State Constitution.

1. Section 25 of the State Constitution burdens the State to foster equality and secularism by combating the ignorance superstition, fanaticism, communalization racialism, cultural backwardness and is further burdened to foster brotherhood and equality among all the communities under the aegis of secular State.
2. The matter arises in the present scenario as to what extent the State succeeded to achieve this goal under the various State Governments lead by Nehru Gandhi's, Abdullahs and Mufti's in a considerable time span of more than seven decades except by raising the fanatic issues and exploiting the innocent rank and file of the State, purely on religion or region base and treating the Jammities and Ladakhies as their servitudes with the unscrupulous aids of some Jai Chands.
3. The time is ripe to clear the mind set by removing knoughts of some dis-informations so crept by the false and frivolous propaganda so disseminated by the Kashmir centric leaders purely by exploiting the religious sentiments of the people across the State. The core points so deeply took place in the minds of ignorant people by dis-informatic campaign so launched deserve to be combated with the true material information to clear the minds of people and set the records right for future.

i. Whether the State Jammu and Kashmir attains the sovereign status with-in the Constitution of India.

Answer is not at all. The matter has been laid to rest by the Supreme Court in case of State Bank of India and Ors v/s Santosh Gupta and Other in deciding the bunch of appeals, leading one being civil appeal no. 1237-12338 of 2016 by holding that the State of Jammu and Kashmir was no vestige of sovereignty outside the Constitution of the Constitution of India and its own Constitution which is subordinate to the Constitution of India, it is therefore wholly incorrect to describe it as being sovereign in the sense of its residents constituting a separate and distinct class in themselves "as being too disseminated, needs to be kept cleared and further combated sternly by the Government at the helm of the affairs.

4. Whether the State of Jammu and Kashmir attains any special status through of the Constitution of India?
Answer is not at all. The matter has also been laid to rest by the Government of India in answering the starred Question No. 138 of Sh. Anil Deasi in the Raya Sabha on march 2015 which is focused as;
 - a. In the Constitution of India there is no mention of special status to the Jammu and Kashmir. "Article 370 provides for Temporary provisions with respect to the State of Jammu and Kashmir".
 - b. The dis-information so being deeply housed by said dis-informative substance deserves to be routed out by the combating the further dis-information besides also setting the records of Raya Bhawan of the State so displayed on website.

- c. Whether the State Government has ever come clean on the developments taken by various executive orders of the President of India after May 14th 1954, extending the various Acts of the Union of State of Jammu and Kashmir?
Answer is not all atleast after especially regain of power by late Sheikh Mohammad Abdulllah for the reason that;
5. It itself challenged the purported Autonomy report so preferred before the Union of India in 2000 seeking review of the extension of central laws in the State of Jammu and Kashmir, despite of the fact that its own Sub Cabinet Committee Headed by the then finance minister cabinet Sh. D.D. Thakur had explicitly given to the finding that said acts were properly applied conceptually for the welfare of the State and not otherwise as suspected. The said autonomy report also stands rejected out rightly by the Government of India on in 2000. The extracts of findings of late D.D Thakur are as under:-
“The Hon’ble Chief Minister to whom I am submitting this report today may consider referring the same to whole cabinet for their consideration where the members of the Cabinet Sub-Committee can also participate, that it is necessary to do so. I would like to be heard in the event of disagreement on any of the finding which I have recorded”.
 - a. The purported autonomy report of the State of Jammu and Kashmir was out rightly rejected by the then central Government Headed by Sh. Atal behari Vachpayee interestingly when the national conference was its coalition partner.
 - b. To sum sume the Kashmir centric leaders themselves agree that the controversial order of 1954 compelled with further developments were not good and the only remedy left is to bring the matter before the Mahan Panchyat of the nation i.e the voice of the people across the country, being the Parliament of India on which the entire people, should have the faith.
 - c. In fact both the Constitution of India (Application to Jammu and Kashmir) Order 1954 entailed with further developing amendments besides directive principles laid down in the Constitution of Jammu and Kashmir 1956 both san the proper scrutiny and debate with the touch stone of the basic structure of the Constitution of India, besides to set the record, right, ought to have been part of the Constitution expectations as applicable to Jammu and Kashmir State as embodied in the proposals of the article 306A, as had been placed on the floor of the Constituent Assembly of India in October 1949. The focal points being undisputed one has to be brought in motion.
6. The strength of the demonstrated argument “Muslim majority State” by the Kashmir centric leaders.
 - a. Not at all it opposing the basic structure of the Constitution of India as well as the solemnity of the State expressly contained under section 25 of its Constitution.
 - b. The hated approaches and demonstrations in lines of the Constitution of Pakistan in sheer violation of the provisions of the State Constitution (Section 25) expose the fanatic mind set Kashmir centric leaders amounting to seditious activities inviting punitive actions under land of the land including bars under Representation of Peoples Acts both belonging to the Union of India as well as of the State of Jammu and Kashmir.
7. Whether article 3 to as well as its illegitimate baby achieved the required results even if taken to entirety for the purpose of arguments without concession?
 - a. Not at all in fact wealthy section of Kashmir became more powerful and wealthy by siphoning out the public money besides spread the hated atmosphere with devisive mind set, as can be evinced from the ground realties of the rural Kashmir valley.
 - b. It has miserably failed to act constructively on the issue of permanent resident of the State as mandated obligation conferred under section 8 of the Constitution with periodical reviews constructively, well befitting to the changed atmosphere globally technocratic fields and development of the State in exploiting the State natural resources by inviting big industrial houses of modern advanced techniques rather in lack thereof State owned industrial units have rendered redundant and become an unavoidable burden on the State exchequer because of the proper lack of

administrative control. All is evinced from the periodical CAG's reports exposing the reasons of their failure.

- c. The constant attempts of the Kashmiri Centric Governments of the State of Jammu and Kashmir to amend the land laws relating to lease out the lands for industrial purpose for industries and establishment of corporate houses, capable to develop the area with facilities available in Jammu region of the State are to destroy the inviting serious consequences of snatching employment opportunities for youth eking out bread therefrom.
8. As to why article 31 as well as article 370 are bad in law?
- a. It is gender discriminative as has been held by the full bench of the Jammu and Kashmir High Court in case of State of Jammu and Kashmir v/s Susheela Sawhney where under, though the daughters of the State with the non residents of the State were allowed to hold the permanent resident status throughout their life, while holding the relevant rules as discriminative in nature but the future of their children is still in dilemma, uncertain and doriferiously odious one on which the State Govt. has failed to carry its obligation under Section 25 of the Constitution of the State.
 - b. It is discriminative in nature for the permanent resident of the State having been immigrated outside the State of Jammu and Kashmir whose rights being equal with other State is permanent residents of the State have been mis-understood and singled out for the purpose of rehabilitation scheme covertly by only been non Muslim by religion.
 - c. The provisions of the Minority Commission of India have been abused ostensibly by extending the available reliefs to only Muslims despite their population ratio of the State being more than 78 percent and that too under the illegal shelter of Article 370.
 - d. It is bad in law because by abusing the provisions of illegal provisions as aforesaid, the former Chief Minister of the State besides also the former Union Minister openly opposed the move of retrieving the illegally occupied areas of POJK from Pakistan depicting the words "POK Hindustan ke bap ka nahi". Besides also the Former Minister Mehooba Mufti spoke on the floor of the State assembly that "Jo 370 ke baat karte hain voh desh drohi hain". Thereby impliedly Shayama Parshad Mukharji as well as Pt. Prem Nath Dogra have been termed as desh drohi.
 - e. The provisions of such illegally enforced unfettered laws further been abused by the Kashmir centric leaders in creating religious devide. The Kashmiri Pandits who had been enjoying in political process by occupying at least three seats in assembly even in the Constituent Assembly, besides one seat by Sikhs from the quota of Kashmir have totally been expunged from their role from Kashmir by the Kashmir based PSEDO secularist forces, thereby exposed violative role as endeavoured under section 25 of the Constitution of Jammu and Kashmir.
 - f. It is bad in law being a source of abuse of Constitutional/ Administrative authorities in ostensibly dis-allowing the establishment of Sainik Colony for the retired permanent residents of the State, sainik in Kashmiri Pandits colony in Kashmir region by the successive Government of the State.
 - g. Because under the Universal Declaration of Human Rights, right to freedom of movement and residence within the borders of the State are available to every citizens of the State (National) to which not only the citizen of India but more particularly by the West Pakistan Refugees, the permanent residents of the State to settled in other parts of country in 1947 because of disturbances and the next king of the women jave been deprived of the same.
 - h. Because impliedly by abuse of the provisions as aforesaid, the Restriction of Acquisition of land measuring above four kanals enforced purely on caste basis for not only Hindus but in Kashmiri Muslims, Kashmiri Pandits, Sikhs and like by declaring them Non-agriculturists classes is in sheer violation of basis structure of the Indian Constitution i.e Article 15 of Constitution of India thus all people across the State including Kashmir and Jammu regions purely based on caste basis are deprived of the right to carry the profession of Agriculturist.

9. Whether the leaders of Kashmir are right in sharing the version that Article 35A was enforced by the Rules of the State, His Highness Maharaja Hari Singh.
- Absolutely misleading and distorted Statement to put the innocent rank and file of the State in confusion and dilemma out of disdainful object behind for Maharaja Hari Singh having enjoyed reverence out of the core heart of Jammuties.
 - Article 35A was brought in motion by an executive order of the President of India on May 14th 54 but whereas Maharaja was forced to leave the State under deep rooted conspiracy of duo Nehru-Sheikh by appointing Dr. Karan Singh as Regent of the State 20th June 1948. Thus exposes the version of Article 35A as alleged to be frivolous one at glance.
 - So far as State Subject Notification dated January 20th 1927 read with another notification dated June 27th 1932 are concerned the same were enforced by the fountain Head of the State which infact was Sovereign Country and the boundaries, (land and people) were to be protected and to combat the aggression, infiltration the conspiracies of Britishers, conspiring to sneak into the State boundaries overtly or covertly which was the need of the hour though befitting at the wishdone of the Ruler bring Sovereign Authority.
 - The movement he (Maharaja) executed the Instrument of Accession on October 26th 1947 the character of the sovereign State was changed by surrendering the sovereign authority of the State by the Maharaja of the State fully, unfatterly empowered under section 6 of the Government of India Act 1935 was applicable under the India (provisional Constitution) order 1947 (10& 11 GEO, C30) dated 14th August 1947 published in gazatee of India 1947 extra ordinary page 834} of the Indian Dominion. The contents of the Instrument of Accession dated October 26th 1947 are read here under:-
I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion legislature, the federal court, and any other Dominion authority established for the purposes of the Dominion shall by virtue of this my Instrument of Accession but subject always to the terms there of and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir herein after referred to as this State such functions as may be vested in them by or under the Government of India Act 1935 as in force in the Dominion of India, on the 15th day of August 1947 (which act as so in force is herein after referred to as the Act).
10. I accept the matters specified in the schedule here to as the matters with respect to which the Dominion legislature may make law for this State.
- In essence of the Instrument of Accession supra, the Sovereign power of the State stood transferred by the Maharaja to the Dominion of India since October 26th 1947 read with proclamation of the Regent of the State dated 25th November 1949.
 - The right of citizenship of India which includes the territory of Jammu and Kashmir vests with the Union of India under article 5 mutatis mutandis applicable in case of State Jammu and Kashmir under item no. 1 of the subject external affairs annexed as part of the Instrument of Accession dated 26th October 1947 and State Jammu and Kashmir with its territories as stood on 15th day of August 1947 being integral and unalienable part of Jammu and Kashmir under article 1 of the Constitution of India read with its schedule I annexed there with besides sections 5 and 147 of the Constitution of Jammu and Kashmir the resolution of the Constituent Assembly of the State of Jammu and Kashmir dated February 6th 1954.
 - Thus in the face of the factums of the subject matter placed in the foregoing sub paras, the Kashmir centric leaders are exposed to be hatching conspiracy to instigate the innocent people by exploiting their sentiments purely on faxatic mind set by discriminating misinformation on the sensitive issues of State, serious concerns for its future.
11. Whether the Kashmir centric leaders are right to dispute the sqcrocent Instrument of Accession dated October 26th 1947 read with resolution of the Constitution Assembly of the State dated February 6th, 1954.
- Not at all for the reason that the Instrument of Accession of the State was ratified by the Constituent Assembly of the State on February 6th 1954.

- b. The Constituent Assembly of India of which sheikh Mohammad Abdullah Mirza Afzal Beigh, Molana Mohd Masood and Moti Ram Dogra were representing members of the State of Jammu and Kashmir, these in had while participating in the said house, adopted the manner in which plebiscite was to be made i.e. we are also committed to ascertaining this will of the people by means of a plebiscite and normal conditions are resorted and impartiality of the plabsicite could be guaranteed. We have also agreed that will of the people, through the instrument of the Constitution Assembly, will determine the Constitution of the State as well as the Sphere of Union of jurisdiction over the State.....” The extract of the debate of the Constituent Assembly dated October 17,1949 is annexed here with for ready reference
 - c. The will of the people through the representatives of the people of the State, is affirmed by means of ratification of has ratified the Instrument of Accession dated October 26th 1947 through resolution of the Constituent Assembly of the State dated February 6th 1949 besides the further the matter stood laid to rest in view of the assumption of office of Chief Minister by sheikh Mohammad Abdulla in February 1975 by abolition of the so called plebiscite forum Headed by Mirza Afzal Beigh.
 - d. That the Constitution of India framed under the signatures of the all the members of the Constituent Assembly including Sheikh Mohd. Abdullah, Mirza Mohd. Afzal Beigh, Molana Masoodi and Moti Ram Beigra. Therefore the Kashmir centric leaders including Muftis, Abdullahs, Nehru-Gandhi dynastics or the other political outfits have no right any manner to dispute the sacrocant Instrument of Accession by blow hots and colds in the same breath.
12. Whether some leaders of political outfits are right to raise boggy claims of differentiation between expressions “Accession and Mearger”.
- a. Not at all for the good reason that aftermath of Instrument of Accession dated 26th October 1947 as figured in the Preamble of the Constitution of Jammu and Kashmir dated 17th November 1956, being source of authority the people of Jammu and Kashmir have further resolved under section 3, “that the State of Jammu and Kashmir is and shall remain an integral part of the “Union of India” which is unalienable solemn of the State under section 147 of the State Constitution.
 - b. By going through constructively the definition fo words “Integral’ and Mearger”. Literally both are synonyms and the mis-interpretation of Constitutional terms either with bonafide ignorance or with conspirating intent is a source of fear among the innocent people of the State keen to be true Indians with equal rights by application of the entire Constitution in abrogation of such controversial provision in the wake of unfair behave and some vested interests of some persons made key of public money at the cost of bonafide tax payers as experienced for the last 70 years, thereby the conditions with due rights could not be improved in case of common man who still feel deceived by lagging behind on all fronts.
 - c. By going through the process by which out of 565 States so acceded with India, the became initially in groups and then additions alteration and merger with initially in big groups, then in provinces and finally in States, the identity of all such States either by bifurcation or by merger as has also been well placed stage by stage in my book on Article 35-A being brought to public domain shortly, itself depicts such developments being technically constraints. In the case of the State of Jammu and Kashmir it consisted of a total territorial area of 2,22,236 sq. km. out of which 78114 sq. km is under illegal occupation of Pakistan and 42735 sq kms (including 5180 sq km handed over by Pakistan) in illegal occupation of China thereby India is in possession of 1,01,546 sq. kms only. The nomenclature of our State has remained unchanged without alternation of boundaries within the Indian territories except expecting the retrieval of the areas went in illegal occupation of both Pakistan and China.
 - d. Without indulgence into controversies but bringing the facts on record, the Maharaja of the State in a memorial to the then President of India dated August 16th, 17th 1952 authored at Poona while depicting the entire account of his tenure i.e. accession of the throne of the State took place in 1925 AD to the date of his letter by bron raises allegation against the then Prime Minister of India Pt.

Jawahar Lal Nehru as well Sheikh Mohd. Abdullah, summarily are placed here in after;

- I. The Government of the State of Jammu and Kashmir was more advanced and enlightened than that of any other State in the pre-partition days;
- II. I employed men of undoubted ability and standing to be my Ministers from time to time;
- III. In August 1947, Lord Mountbatten gave me the impression that I should accede to Pakistan, Government of India was undecided about the matter, wanted every step by me endorsed by Sheikh Abdullah, the people of Jammu and Kashmir were divided in their opinion and I decided to enter into stand still agreement with both India and Pakistan in order to have time for things to settle down;
- IV. Pakistan did not act upon to the stand still agreements, blocked supplies to the State and aided and abetted the raiders;
- V. I released Sheikh Abdullah as advised by Sardar Patel and relied upon the assurances given by the Government of India;
- VI. I took Sheikh Abdullah in my Government;
- VII. I issued the proclamation on 5 March 1948;
- VIII. Sheikh Abdullah with the connivance of the Government of India started tinkering with the Constitution of 5th March 1948;
- IX. Sheikh Abdullah persuaded the Government of India to drive me out of the State;
- X. I left the State and appointed the Yuvraj, my Regent;
- XI. My rights of personal property and the affairs of Dharmarth Trust were interfered with Sheikh Abdullah.
- XII. 12. Sheikh Abdullah by maligning me created an impression that the people of Kashmir were against me;
- XIII. The Constituent Assembly was set up;
- XIV. The will of the people of the Jammu and Kashmir is now judged by the whims and caprices of sheikh Abdullah;
- XV. Sheikh Abdulah having made up his mind to get rid of the Ruler and his dynasty, persuaded the Government of India to see eye to eye with him and lay down that this could be done even before the new Constitution was framed muchless approved by you on behalf of India;
- XVI. I get no redress and am told that I am wrong, the will of the people is all that counts and I must abide by such will;
- XVII. The press carries reports from day to day creating feelings against me. False reports are not contradicted .
- XVIII. The Prime Minister got angry as evidenced by his letter dated 5th July 1952 because I Stated facts;
- XIX. The State Minister avoid giving proper reply to me and yet the press says I have been asked and have not replied.
- XX. The Yuvraj is being coerced by the Prime Minister and Sheikh Abdullah to accede to their suggestions.
- XXI. Finally I have to say that I had my range of controversy with Sheikh Abdullah and Prime Minster and I am bitter about the fact that the Government of India have been unable to afford me protection and the safe guard to my rights inspite of the fact that throughout these four and a half years I have given full cooperation and the fact that my pre 1947 conduct did not compare unfavourably with that of the other rulers who at present enjoy Government of India protection and favour. During the last three years of my enforced absence from the State I have given them no cause for grievance and at the most I have been charged with delay in permitting the Yuvraj to take a action which having regard to the consideration involved and my better experience was natural and understandable. Even in this matter ultimately I did fall in line with the Government of India. If the result of all this is the final stage has again to be a betrayal by the Government of India of their assurance and promises etc and is to result only in my final removal from the State but also of the sacrifice of the Yuvraj when I had entrusted to the Government of India protection I can only say that It would be an ill return for the faith which I

and the yuvraj placed in the Government and the help and cooperation to the extent of self effacement that we rendered to it only history and proprietary will be able to do justice to our respective points of view.

XXII. In these circumstances I appeal to you to consider the matter impartially in all its aspects with all your sagacity and wisdom and guide me as to what would be in the best interests of the State. A copy of the full text of such letter is also annexed.

13. The memorial of the Maharaja of the State (his highness Maharaja Hari Singh also received by the then Prime Minister of India as well as the Minister of States of the Government of India and accordingly, to the President of India had sought comments of the then Prime Minister of India as well as of the Minister for State under Rashtriya Pati Niwas Shimla's Communication dated 6th September 1952. The Government of Jammu and Kashmir was also fully aware of the facts as enumerated in the said memorial of Maharaja in the self effacement of Rashtrapati Niwas's Communique dated 6th September made part of the Report of the State Autonomy committee of July 2000 A.D. A full text of the said communiqué alongwith annexure these to is also annexed herewith.

14. That said annexure to the Rashtra Pati Niwas's Communique further discloses that the basic character of Article 370 could not be any manner tinkered with, except with purported introduction of foot notes below Article 370, by way of Executive Orders was resorted with by the Government of India.

15. Even Dr. Karan Singh in his auto biography has made mention that "The Secretary in the Ministry of States, C.S. Venkatachor, called on my father in Poona in September, after which my father wrote an anguished letter to Dr. Katju. Referring to the memorandum he had sent to the President of India, he recalled the 'Misfortunes brought about by a persistent disregard of my rights and the assurances given to me to preserve them by the Government of India, thereby weakening my position and securing very unfair and undue advantage to my persecutors, and added 'Am I not entitled, may I ask you to be told either that I am wrong or that the Government of India are committed to carry out a certain policy emanating from Sheikh Abdullah even though it may mean sacrificing myself, my dynasty and certain cherished principles of justice and equity. Have I lost the elementary right of a person who considers himself aggrieved and seeks justice?'

16. Whether excessive empower merit of Sheikh Abdullah, the root cause of tailoring went in the interests of the people of State or the Nation as whole?

(a) To be adjudged by the public at large by putting the following material in public domain;

(i) The extract of Dr. Karan Singh placed in his autobiography read as "I must admit that rather traumatic experience, but I put up brave front and continued to smile and street the people. I noticed that despite themselves, many waved back. The demonstration, in fact was no so much against me as a gesture of loyalty to or solidarity with my father it reflected the wide spread agitation launched by the Praja Parishad on 14th November 1952 against Sheikh Abdullah Their Slogan of complete integration of the State with India was expressed in the rally. Cry 'Ek Nishan, Ek Pradhan' (One Constitution, one flag and one President) This agitation gathered momentum over the next few months, as it effectively capitalized upon the souse of outrage felt by Dogras not only at having lost their predominant position in the State but also is having at one stroke been placed at the mercy of their arch enemy, Sheikh Abdullah. The Sheikh on his part not only made no effort to mollify the feelings of the Jammu people, but continued with his hostile and aggressive attitude. An example was the question of the flag to be flown on the Jammu Secretariat. The old State flag is having been hauled down, I had suggested to the Government that, along with new flag, the national flag should also be hoisted. Thief was sharply trued down by the Sheikh, and so I in turn declined the suggestion that I should personally hoist the new flag"

(ii) Again Dr. Karan Singh in his auto biography has placed on record "In a letter of 27th March I wrote; 'What really disturbs me the fact that the gulf between Jammu and Kashmir has widened tremendously over the few months, and that the breach instead of being bridged seems to be steadily widening Neither of the parties seems to quit realize the implications of this, and I fear that we nesy reap a very bitter harvest in years to come"

- (iii) Upon the arrest of Shama Parshad Mukherjee, who had defied the ban on his entry to State, Dr. Karan Singh sent report there to on June 10th 1952, to Pt. Jawhar Lal Nehru who was at London for fairly a long time (based on his autobiography) is read as;
“the political situation here in the valley continues to be extremely fluid. The division within the party is causing considerable tension. The pro Indian faction continues to be determined and claims to be strong and to true a majority both in the work committee and in the Assembly. Frequent meetings of the working committee continue.
I was shocked and astounded to gather from a private meeting with Sheikh Abdullah last week that he seems to have decided to go back upon the solemn agreements which has concluded with India and upon his clear commitments. This cannot be allowed as it will make our position absolutely impossible and be a grave below to our National interests and naturally to our International position also. I need not mention to give wide spread repercussions that it will result from such a development the problem will calms your immediate attention upon your return for a final and decisive solution.”
- (iv) The Tale of travesty in the official and in the wake a fascist and totalitarian tendencies of Sheikh Abdullah, Pt Nehru was deeply disturbed and was particularly heart, even be wildered at the hostile manner in which his old protégé and friend Sheikh Abdullah was acting. Pt Nehru agreed with Dr. Karan Singh, when the later remarked that unlimited power seemed to have brought out the Sheikh’s worst fascist and totalitarian tendencies. All has been brought on record by Dr. Karan Singh in his auto biography 1931-1967.
- (v) The conduct of Sheikh Abdullallah further exposed to be antinational, when he made a speech at Ranbhir Singhpura, A border town of Jammu where he acted violently against the Jammu agitation, went on to accuse India being communal and virtually threatening that the Accession of the State could not be taken for granted. (All these facts have been depicted by Dr. Karan Singh in his auto biography).
- (vi) It may be Stated that although Mahajraja Hari Singh being Head of the State was required to represent India at “Success Lake” For pleading her case but to the utter disregard thereto, Pt Nehru deputed Sheikh Abdullallah to represent India at “Success Lake” twice, which ultimately proved to be counter productive for the nation, as Sheikh Abdullah instead leading to the right earnest, hob nobbed with the anti Indian forces by planning for his installation as Sultan of the State by abandoning the relations with India at the behest of some foreign agencies.
- (vii) The disgraceful conduct of Sheikh Abdullah is further exposed, when he did under-mine the dignity of the Head of the Late Dr. Karan Singh despite being Headquartered at Srinagar was kept at bay in respect to developments relating to great leader Shyama Parshad Mukherjee as well being placed on record by Dr. Karan Singh in his auto biography “Soon thereafter come a shocking news of the death of Dr. Shyama Prashad Mukherjee in detention. I was not informed of his illness or his removal to hospital, and only learnt of his death from un-official sources several hours after his body had been flown from Srinagar. The circumstances in which he died in the custody of State Government in which he died in the custody of State Government were a cause of grave resentment and suspicion. Jammu was furious because Dr. Mukherjee had been martyred while fighting for a Praja Parishad cause, and there was an open talk that his death had not been from natural causes. The whole India was shocked at this event, specially his people of Bengal, who held Dr. Mukherjee in the highest regard”.
- (viii) The seditious acts leaving to hatered atmosphere with divisive activities purely on anti national mind set of Sheikh Abdullah can be well gauged from the contents of a joint memorandum sent to Sheikh Mohammad Abdullah by the then Deputy Prime Minister of the State, Bakshi Ghulam Mohammad, his Finance Minister G.L. Dogra and the Health Minister, Pandit Sham Lal Saraf and the copy of such five pages memorial placed before the then Head of the State Dr. Karan Singh further castigated both Sheikh and M.A. Begh of blatantly flouting the accepted party policies on which the said ruling National Conference was founded and the Jammu based founding members were induced to join it for the future welfare of the State. The extract of such accusations are read as;
“After convening of Constituent Assembly, certain irrescapable elaborations of the State relationship with India more defined in the Delhi Agreement, of which you were the Chief Architect on our behalf. You stand

was unanimously endorsed by the Government, the National convergence, the Indian parliament and the Constituent Assembly of the State. But you have not only deliberately delayed the implementation of the Agreements on these matters, which for me the Sheet Anchor of our policy, but have purposefully and openly denounced these in public. You have thus arbitrarily sought to precipitate a rupture in the relationship of the State with India”

“Mr. M.A. Beg has persistently been following the policies of narrow Sectarianism and communalism, which have seriously undermined the oneness of the State. Unfortunately, you have been landing you support to his policies in the cabinet and his activities in public. This has generated bitter feelings of suspicion and doubt in the minds of the people of the various constituent units of the State. You have connived at the these unfortunate happenings and thus strengthened and encouraged the forces of disruption. The result is that unity and secular character, the two fundamental aspects of our State, stand threatened to day”.

“We have been constantly urging upon you to put an end to these unhealthy tendencies and to undertake unitedly measures for restoring the morale of the people. In spite of our best intentions, we have failed in our efforts. It is therefore, with great pain that we have to inform from of our conclusion that cabinet, constituted as it is at present and lacking as it does the unity of purpose of action, has lost the confidence of the people in its ability to give them a clean, efficient and healthy administration”.

- (ix) Dr. Karan Singh in his autobiography has made depictions with regard to the arrest of Sheikh Mohammad Abdullah took place during the intervening dead night between 8th -9th August, 1953 that “He was given two hours to say his “Nawaz” and pack during which we later learnt he burnt a number of documents that he had with him. This could have been prevented, but we had given strict instructions to the police that he and Begum were to be treated with courtesy and not physically harassed any way. The destruction of purported incriminating documents instantly in a said time gap of two hours by Sheikh Abdullah, raises eye brow, a serious lapse on the part of police professionalism of the Police party so deputed by which the possible leads towards subversiveness had made to be subverted and destroyed, going contrary to the national interests.
- (x) The Jammu based founding members of National Conference such as Moti Ram Balgora, Mahasha Nar Singh and Mahatma Budh Singh the Rajya Sabha Member, were shocked and felt deceived with the exposure of the intent of fascist Kashmir based leadership, the Statement of Budh Singh upon the arrest of Sheikh Abdullah made in the floor of Parliament is eye opener for all being felt deceived by Sheikh Mohd. Abdullah.
- 17 Whether the parties /participants of Members of Indian Constituent Assembly were fair for national interests or for the welfare of Jammu and Kashmir?
- (a) Not at all but in fact, their participation instead of carrying true Legislature role constructively was scandalous in nature for the reasons follow in after.
- (b) After the execution of the Instrument of Accession on 26th October 1947, the Indian Constituent Assembly hold its sitting on January 27th 1948, and based on set formula (proportionately) one set for 10 Lac population, as applied across the country.
- (c) Pt. Nehru got an amendment to Rule 4A of the Indian Constituent Assembly rules proposing in two fold amendments for State of J&K i.e. the title of Jammu and Kashmir subsisting a per official record including its Constitutional and Legal Documents since March 1846 be substituted to State of Kashmir. The name of Jammu, the founder of State since Ranjit Dev’s regime and more particularly since 1822 A.D., when State was carved out by Mahajraja Ranjit Singh of Lahore throne under a specific Instrument called “Patta” because the name of the Jammu was not being felt well by Pt. Nehru was was being spelt out in the Constituent Assembly of India on May 27th 1947. Thanks to members of the Constituent Assembly Laxmi Kant Maitra and Prof. K.T. Shah hailing from Bengal and Bihar States respectively stood for the cause of Jammu and thwarted the conspired attempt of Nehru at the behest of Sheikh to expunge the name of Jammu from the history of Jammu and Kashmir.
- (d) The second part of the proposed amendment was to nominate the members of the Constituent Assembly of State instead of their election from the subsisting Praja Sabha of the State, because the persons of Nehru Sheikh’s Lobby could not be elected from the democratically set institution of the State being Praja Sabha being alive with its fixed terms. To this Nehru succeeded by subverting the cherished democracy by settling

their scores and humiliating the true leadership of the State being representatives of the people. The amendment so adopted was the names shall be recommended by the Prime Minister of State and nominated by The Head of the State.

- (e) Maharaja Hari Singh who was the Head of the State called, being not excepted to dance at the will of Nehru Sheikh, another conspiracy was hatched for the exile of Maharaj from State by Nehru Sheikh and ultimately succeeded and ultimately Maharaja went on exile with the appointment of Yuvraj Karan Singh as regent of the State on June 20th 1949 as also conceded by Dr. Karan Singh in his autobiography. Interestingly Nehru Sheikh were waiting for the exile of Maharaja Hari Singh till attainments of majority age by Yuvraj Karan Singh.

Astonishingly sheikh had drafted a recommendation for Constituent Assembly members as representatives of the State and get the nomination of himself of Sheikh despite being Prime Minister State M.A Beigh despite being revenue minister Mr. Masoodi all three from Kashmir and only one member from Jammu and got the same nominated from the regent Dr. Karan Singh even predated to his appointment as Regent of the State admittedly took place on 20th June 1949, evident by in the face of record of Indian Constituent Assembly dated 16th June 1949 when Sheikh, Beig, Masoodi and Baigra took oath as Constituent Assembly members.

5. Not only this they made a mockery of the highly revered Constituent Assembly in posing a group photo of Constituent Assembly took place on April 7th 1949.
6. All what as aforesaid is nothing but scandalization of the highest National institution of democracy handling with the fate of incoming republic of India.
7. The issue of introduction of article 306 A (renumbered) as 370) was out rightly rejected by the Congress Working Committee, besides B.R Ambedkar the law minister termed it as betrayal with the country, still by passing all Nehru got the same introduced through his pawn Minister, N. Gopala Swamy Ayyanger on the last leg of second reading of the draft Constitution on 17th October 1949 and get through the same by settling his score to please only sheikh Abdullah to which ultimately he himself realized in front of Dr. Karan Singh that it was serious mistake to extent extra ordinary possess of sheikh.
8. The people of ladakh were more wise than Jammuties, who had already misunderstood the game plan of Sheikh well before the transfer of power to him in march 1948, and had refused to work under Sheikh Abdullah with alternate proposal putforth before Maharaja besides also in 1950 appartely in the face of Memorial of Buddhist Association Ladakh, the copy of which is annexed.
17. Pt Prem Nath Dogra in a memorandum to the President of India in 1951 had made focus on the fastics mind set of Sheikh humiliation of Jammuties and nationalist forces subversion of democracy by Sheikh Abdullah regime more particularly rejection of nomination papers of 46 candidates out of 52 summarily during Constituent Assembly elections of 1951, the copy of which is also annexed for ready reference.
18. Weather the language of Article 35A is so destructive which causes irreverence of the Constitution of India out rightly thus cannot be allowed to prevail at the outset from bare perusal of the content of article 35 A.
 - a. Article 35A having been instructed to operate under the strength of the Constitution (Application to Jammu and Kashmir) order 1954 CO 48 dated 14th May lays down that 35A saving of laws with respect to permanent residence and their rights not with standing anything contained in this Constitution, no existing law enforce in the State of Jammu and Kashmir and no law hereafter encated by the legislature of the State".
 - a. Defining the classes or persons who are , or shall be permanent residents of the State of Jammu and Kashmir or.
 - b. Conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects.
 - i. Employment under the State Government
 - ii. Acqusiation of immovable property in the State
 - iii. Settlement in the State
 - iv. Right to scholarship and such other forms and as the State Government may provide shall be void on the ground that in consistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part.

- c. It is explicit in the face of bare perusal of article 35 A the fundamental rights of common citizens of India have been made redundant.
- d. Not only 35 A but the entire Constitution (Application to Jammu and Kashmir) order 1954 No. C 48 dated 14th may 1954 intends to create a supremacy of over the Principal Constitution of India, the later being Sovereign one cannot be allowed to under mine its reverence, sacroceuity and that to under the strength of an executive order of the President of India at the back of the Parliament of India cannot be understood to have any force because the provisions of Constitutions of India through Constitution order dated 14th may 1954 or directive principles contained under the part State Constitution are subservient and subordinate to the principal Constitution of India, whose sacrocentity has to be maintained at any cost based on the ration fixed by the Apex court in case of State bank of India v/s Santosh Gupta thus Article 35A as well as the Constitution order 1954 dated 14 May 1954 in the face of it stand expunged and left no force inviting contingency of review and consideration before the “Supreme Democratic Body” the parliament of India to have cognizance with the touch stone of basic structure of the Constitution of India.
- e. An instrument introduced by deceit and fraud at the back of parliament, cannot be considered to have any force as claimed by some leaders resorted toa black mailing methods purely on factice mindset which has no place in our democratic set up committed with the basic principles of equality fraternity and secularism and social order in the face of the preamble of the Indian Constitution read with sections 13 and 25 of the State Constitution. Of India with expected dignity because the supremacy of any organ creating supremacy over the independence of judiciary is itself a serious setback to the basic structure of over Constitution.

Thus the matter is brought before your kindself for dispensing with appropriate Orders to Set the record right for national interest besides extension of justice to the aggrieved public at large demanding justice for the last seven decades.