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The Question of Accession

The princely state of Jammu and Kashmir acceded to the Indian Union in 1947. The circumstances and the manner in which this happened provide vital clues to our understanding of the vicissitudes of its later politics and its emotional, political and constitutional ties with the rest of the country. The Hindu Maharaja of the State, who had the constitutional authority under the Indian Independence Act to decide its future affiliations when the country was partitioned into two dominions, was reluctant to opt for India. It was not any more easy for the large Muslim population to take such a decision especially as the partition line was being drawn more or less along communal lines.¹ The year of independence had also witnessed a collapse of the citadels of the 'nationalist Muslims' in the subcontinent.

Jammu and Kashmir was one of those princely states which did not join the Constituent Assembly of India, set up under the Cabinet Mission Plan that had commenced functioning since December 1946. The Maharaja of the State refused to yield despite a warning by Jawaharlal Nehru, then vice-president of the interim government, that such an act by any state would be considered hostile.² The unequivocal support of the Muslim League to "the Sovereign right of the princes"³ strengthened the recalcitrance of the Maharaja in joining the Constituent Assembly. Liaquat Ali Khan, the leader of the Muslim League in the interim government, had declared that "the states were perfectly free to refuse to have anything to do with the Constituent Assembly".

HINDU RAJ VS SECULAR INDIA

The Maharaja was in no mood to join the Indian dominion even when partition became inevitable. He was supported by loyal Hindu leaders in Jammu who vociferously argued that a Hindu State, as Jammu and Kashmir claimed to be, should not merge its identity with a secular India. The working committee of the All Jammu and Kashmir Rajya Hindu Sabha (the earliest incarnation of the present Bharatiya Janata Party in the State, formally adopted a resolution in May 1947 reiterating its faith in the Maharaja and extended its "support to whatever he was doing or might do on the issue of accession."⁴ In a press statement issued in May 1947, the acting president of the All Jammu and Kashmir Muslim Conference, Chowdhary Hamidullah Khan urged His Highness to "declare Kashmir independent immediately and establish a separate constituent assembly to frame the constitution of the State." He assured Muslim co-operation and support to the Maharaja as the first constitutional ruler of an independent and democratic Kashmir.⁵ This statement was almost in line with the stand of the Indian Muslim League whose supreme leader, Mohammed Ali Jinnah, declared on 17 June 1947:

Constitutionally and legally the Indian States will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like; it is open for them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent.⁶

All those who raised pro-India voices, including me, were condemned as anti-Hindu and traitors. The Jammu daily *Ranbir*, edited by Mulk Raj Saraf, was banned by the State Government in June 1947 for demanding accession to India and the release of Sheikh Abdullah. The All India Congress Committee had resolved on 15 June 1947 that the Congress could not admit the right of any state to declare its independence.⁷ During his visit to the State in July 1947, Lord Mountbatten, had also tried to persuade the Maharaja to accede to either of the two dominions before 15 August 1947. He instructed the British Resident in the State to continue to give the same advice to the Maharaja. Quoting Mountbatten in his *Mission with Mountbatten*, Alan Campbell Johnson states that, "the State's

ministry, under Sardar Vallabhbhai Patel's direction, went out of its way to take no action which could be interpreted as forcing Kashmir's hand and to give assurance that accession to Pakistan would not be taken amiss by India."⁸ Envisaging no trouble if the Maharaja acceded either way, Mountbatten said that the "only trouble that could have been raised was by non-accession and this was unfortunately the very course followed by the Maharaja."⁹

As communal tensions spread within the region and the surrounding Punjab, the loyalty of the Hindus and Muslims began to gravitate to India and Pakistan respectively. On 19 July 1947, the working committee of the State Muslim Conference again drafted a resolution in favour of independence for approval of the General Council of the party which met at Srinagar. The Council passed a modified resolution which "respectfully and fervently appealed to the Maharaja Bahadur to declare internal autonomy of the State... and accede to the Dominion of Pakistan in the matters relating to defence, communications and external affairs."¹⁰ However, the General Council did not challenge the Maharaja's right to take a decision on accession, and it acknowledged that his rights should be protected even after acceding to Pakistan. Jinnah's personal secretary Khurshid Ahmad, who was in Kashmir during those crucial days, assured His Highness that "Pakistan would not touch a hair of his head or take away an iota of his power."¹¹ The Hindu Sabha, in a bid to reconcile its loyalty to the Maharaja with the ground swell of pro-India opinion amongst Hindus modified its stand on the question of accession. Pandit Prem Nath Dogra, who later became the president of the Bharatiya Jana Sangh, moved what was called a compromise resolution in the party, on the eve of Indian independence. The Maharaja was left to "decide the issue of accession to India at an appropriate time."

On 15 August 1947, the Government of Pakistan accepted the offer of the Jammu and Kashmir State for a standstill agreement. Under this agreement the central departments of the State functioning within the Lahore circle were to be under the jurisdiction of Pakistan. Accordingly, Pakistani flags fluttered over the offices of the Post and Telegraph departments throughout the State. The Government of India, however, insisted on prior negotiations with a representative of the State Government which did not respond to the suggestion. Thus, no such agreement could be signed.

Prime Minister Nehru prophetically apprehended that

"Pakistan's strategy is to infiltrate now and to take some big action as soon as Kashmir is more or less isolated because of its coming winter." In a letter to Home Minister Sardar Patel, he expressed the view that the only course open to the Maharaja was to seek the co-operation of the National Conference and accede to India. This would make it difficult for Pakistan "to invade it (the State) officially or unofficially without coming into conflict with the Indian Union."¹² If this advice had been heeded in time, there would have been no Kashmir problem today.

Meanwhile, communal tensions continued to grow in Jammu. Serious trouble developed in the Muslim majority Poonch estate within the Jammu region. This began with some local demands like the rehabilitation of 60,000 demobilized soldiers of the British army belonging to the area. As issues got mixed up, the agitation finally turned communal. The State army was used to crush the local unrest, but "the traditional loyalty of a large number of Muslim troops of the State forces towards the Maharaja could no longer be taken for granted under the changed circumstances."¹³ The soldiers refused to fire on the demonstrators with whom they had religious and ethnic ties. They deserted the army and the agitation took the form of an armed revolt. The supply of ammunition and other types of assistance from across the border gave further strength to the revolt. "It also gathered support from the sentiments of local patriotism in Poonch which were offended when it was brought under direct control of the Jammu Durbar by the decision of the British courts in 1936. Until then it had been a separate *jagir* under the descendents of the brother of Gulab Singh for about a century."

By October, communal riots had spread all over Jammu and Gandhi held the Maharaja responsible for this.¹⁴ The State army was also weakened by desertions and shortage of ammunition. It was also too thinly spread from north-eastern Gilgit to Jammu, to overcome the revolt in Poonch and the adjoining areas, since the revolt was actively supported by Pakistan. Regular supplies of foodstuffs, petrol, and cloth from Pakistan were stopped. The communication system (under the administrative control of Pakistan vide the standstill agreement) did not render proper service. The situation was rapidly approaching a stage which would have affirmed Gandhi's prophecy of October 1946, that if the Maharaja persisted in his policy, the State might disappear as a unit.¹⁵ Mountbatten and

Nehru had also foreseen a similar situation if the Maharaja did not accede to the Indian union in time.

As the very existence of his State was increasingly threatened, the Maharaja made desperate attempts to mend his fences with Pakistan. On 15 October, his newly appointed prime minister, Mehar Chand Mahajan offered to make an impartial enquiry¹⁶ into Pakistan's allegations that the Kashmir state army had made attacks on Muslim villages of Poonch. The Pakistan Governor General welcomed the offer of an enquiry on 20 October and invited Mehar Chand Mahajan to Karachi "to discuss the matter."¹⁷

The new Prime Minister reiterated that the Independence Act gave complete authority to the ruler on the issue of accession. He expressed his ambition to make Kashmir a Switzerland of the east which would be on the "friendliest of terms with both the dominions". He expected "as worthy a treatment from Pakistan as from a good neighbour". He ridiculed the suggestion of Indian leaders to form a responsible government in the State by retorting that there was no responsible government even in India.¹⁸ According to Mahajan, Shah had brought with him a bland Instrument of Accession to Pakistan, which he hoped the Maharaja would fill and sign.¹⁹ On 21 October 1947, the Maharaja appointed Bakshi Tek Chand, a retired Judge of the Punjab High Court, to frame the constitution of the State. By that time Pathan "tribal invaders", let loose by the Pakistani Government, were already marching to Srinagar. Meanwhile, the Pakistani Government sent Major (later Colonel) A.S.B. Shah, then Joint Secretary of the Pakistan Ministry of Foreign Affairs, to Kashmir where he met various officials including the new Prime Minister, M.C. Mahajan. Thus all seemed set to prove that it was not an empty boast of Jinnah when he had reportedly declared that "Kashmir is in my pocket."

UNIQUENESS OF KASHMIR

One major factor that prevented this eventuality was the response of the people and leaders of the Kashmir valley to the question of accession. In order to understand how and why they behaved the way they did, it is necessary to understand the peculiarities of the Kashmir personality and the historical, cultural, political and

geographical inputs that moulded it. This uniqueness of Kashmir goes back five thousand years to pre-Vedic times.

Kashmir has been a melting pot of ideas and cultures. It received every new creed with discrimination and enriched it with its own contribution, without throwing away its earlier acquisitions. As G.M.D. Sufi observes in his monumental work *Kashir*, "the cult of Budha, the teachings of *vedanta*, the mysticism of Islam have one after another found a congenial home in Kashmir."²⁰

On account of its cultural homogeneity and geographical compactness, all the people who emigrated to Kashmir from ancient times merged their individual identities into one whole. According to the renowned Kashmiri scholar and historian Mohammad Din Fauq, even the people who came from Arabia, Iran, Afghanistan and Turkestan six and seven hundred years ago were so mixed with Kashmiri Muslims in culture, civilization, and through matrimonial relations that "all non-Kashmiri traces are completely absent from their life."²¹

The Kashmiri language is another basis of the distinct personality of Kashmir. According to Sir George Grierson, a pioneering authority on Indian languages, Kashmiri is not of Sanskritic but of Dardic origin.²² *The Encyclopaedia Britannica* states that "Kashmiri is neither Iranian nor Indo-Aryan." The proverbial beauty of Kashmir has further inspired a sense of collective pride in the Kashmiri mind about its uniqueness.

Indigenous Muslim rule continued for 250 years till Kashmir was annexed to the Mughal empire by Akbar in 1586. The next four centuries (361 years to be exact) are regarded by the Kashmiris as a period of slavery when they were ruled in turn by the Mughals, Pathans, Sikhs and Dogra kings, all aliens, whether Muslim or non-Muslim. Maharaja Hari Singh was a non-Muslim as well as a non-Kashmiri ruler. The struggle against his rule was led by Sheikh Mohammed Abdullah. It culminated in the Quit Kashmir movement on the eve of Independence, and satisfied the religious, regional and democratic aspirations of Kashmiri Muslims. The watershed in the history of Kashmir is thus not Islam, as is often regarded in the rest of the subcontinent, but the changeover from a Kashmiri to a non-Kashmiri rule.

Nehru had established his political and emotional links with Kashmir a decade earlier, describing himself as a son of Kashmir. On the eve of assuming office as head of the interim government

of the country, in June 1946, he rushed to Kashmir to identify himself with the popular Quit Kashmir movement which Jinnah had condemned as a movement of 'goondas'. Nehru was forcibly prevented by the police from entering the State and received some bruises in the process. He visited Kashmir again a month later when he donned a lawyer's robes to defend Abdullah who was on trial for charges of sedition. Meanwhile, the All India States Peoples Conference elected Abdullah as its president while he was still in jail.

Gandhi's visit to Kashmir on 1 August 1947 was another crucial factor that influenced the Kashmiris. He described the Amritsar Treaty that gave the Maharaja the legal title to rule Kashmir, as a sale deed which lapsed with the lapse of paramountcy. In sharp contrast to Jinnah's stand he unequivocally declared that sovereignty belonged to the people and not to the ruler. He paid a unique tribute to the people of the valley by acknowledging that in those days of communal strife Kashmir was the only ray of light in the benighted subcontinent. The moral appeal of Gandhi combined with Nehru's emotional appeal were irresistible—both appealed to the sentiments of Kashmiri patriotism to neutralize the appeal of Muslim communalism.

AZADI

On 29 September Abdullah was released from prison. This delay was due to the Maharaja's insistence on securing a pledge of loyalty from him. As a hero of Kashmiri nationalism, Abdullah side-tracked both the Hindu-Muslim and the India-Pakistan polarization that was developing all around Kashmir by declaring that the issue of accession was secondary. The primary issue was freedom and the formation of a responsible government—for an enslaved race could not decide its fate. He acknowledged his ideological affinity with Gandhi and Nehru and recalled Jinnah's hostility to the struggle of the Kashmiri people. But as Pakistan had become a reality, he was willing to negotiate with the governments of both the countries to find out where Kashmir's interests would be secure.

Dr. Mohammed Din Tasir and Sheikh Sadiq, the two Pakistani emissaries who met Abdullah in Srinagar, did not buy his argument. Abdullah has recorded in his autobiography, *Atash-i-Chinar*,

that they insisted on a decision in favour of Pakistan. Otherwise, they observed, other means would have to be used.²³ "The meeting was far from cordial."

Abdullah next sent his colleagues, Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq, to talk to Pakistani leaders while he himself proceeded to Delhi where he stayed as Nehru's guest. According to Abdullah, Bakshi and Sadiq could see neither the Prime Minister nor the Governor General of Pakistan. But he regrets that while they were discussing his probable visit to Pakistan with second rank leaders of that country like Nawab Mamdot and Mumtaz Daltana, "raiders sponsored by Pakistan were crushing under their feet the land and rights of the people of Kashmir."²⁴

The trust that Gandhi and Nehru expressed in the people and leadership of Kashmir and their unequivocal support to the Kashmiri urge for freedom and the right of self determination had baffled the leaders of Pakistan. In desperation they decided to settle the future of Kashmir with the power of the gun. The 'tribal raiders' that Pakistan had sent to Kashmir overran the defences of the Dogra army led by Brigadier Rajinder Singh, and reached the outskirts of Srinagar. Enroute they committed many atrocities on the people, irrespective of their religion. The invasion roused the anger of a self-respecting Kashmiri community against the threat that Pakistan posed to its freedom, identity and honour. They now looked to India for help.

This course of events left the Kashmiri leadership and the Maharaja no option but to turn to India. When the Governor General refused assistance, Mehar Chand Mahajan flew to Delhi on 26 October. He conveyed to Nehru the Maharaja's willingness to accede to India. But this message was accompanied by a demand from Maharaja Hari Singh that "the army must fly to Srinagar this evening, otherwise I will go and negotiate terms with Jinnah."²⁵ That the Maharaja had not closed the Pakistan option despite what it had done to the State enraged Nehru who, Mahajan records in his autobiography, gave vent to his temper and "told me to get out." However, Abdullah, who was in the adjoining room intervened and Nehru's attitude softened. Thereafter the Maharaja signed the instrument of accession which the Governor General accepted on 27 October. The Indian army was rushed to clear the State of invaders. Kashmiris

welcomed the army as the defenders of their "honour, freedom and identity."

The accession of the State of Jammu and Kashmir to India, supported by the constitutional authority of the Maharaja and politically and emotionally by the people of Kashmir was the greatest triumph of Indian nationalism after Independence. It was Sheikh Abdullah who led Kashmir's accession to India. But he could not have succeeded if the Kashmiri mind had not been what it was. Because of its inherent qualities, it responded to the emotional and ideological appeal of Nehru and the moral appeal of Gandhi. The ignorance and distrust shown by the Pakistani rulers, in sharp contrast to the empathy of the Indian leaders pushed Kashmir to the Indian Union.

Pakistan had no justification for its policy. Neither the Maharaja nor Sheikh Abdullah had provided any provocation. Both were eager to negotiate with the Pakistan government, but had delayed decision on accession for their respective reasons. Mehar Chand was prepared to fly down to negotiate terms with Jinnah even on the day the Maharaja was seeking armed help from India. There are also indications that both the Maharaja and Abdullah might have settled for independence had the Pakistan government guaranteed it. In fact in his letter, enclosing the Instrument of Accession to the Governor General of India, the Maharaja wondered "whether it is not in the best interests of both the Dominions and my State to stay independent."

Durga Das rightly observes in his introduction to *Sardar Patel's Correspondence* which he edited, that the Maharaja and Sheikh Abdullah "shared and worked in their own way for a similar objective, namely independent Kashmir". If they acceded to India, he adds, "it was because by invading Kashmir, Pakistan left them no other choice."²⁶

The urge for *azadi* which motivated the people of Kashmir to resist the Pakistani invasion and cooperate with the Indian army, subsumed a wide range of aspirations. It expressed their desire for independence, freedom, identity, autonomy and dignity. "India has come to defend our *azadi* while Pakistan tried to enslave us" was the refrain of the Kashmiri leaders as they defended their decision to accede to India.

The basic urge of the Kashmiris has not changed much over the years they have been a part of India. The slogan of *azadi*, however

no longer means respect and emotional attachment for the Indian nation but expresses a feeling of alienation. The militants trained and armed by Pakistan have now assumed the leadership of the *azadi* movement.

NOTES

1. The state of Jammu and Kashmir was overwhelmingly Muslim. According to the census of 1941 the proportion of Muslims in the population was 93.45 per cent in the Kashmir Valley, 61.35 per cent in Jammu, and 86.7 per cent in the Frontier region (including Ladakh, Gilgit, etc).
2. *The Hindustan Times*, 21 April 1947.
3. *Leader*, 27 June 1947.
4. *Rambir*, 20 February 1947.
5. Teng Bhat, Kaul, *Kashmir: Constitutional History and Documents*, New Delhi, 1977, p. 534.
6. Pyarelal, *Mahatma Gandhi, the Last Phase*, Vol. II, Navjivan, Ahmedabad, 1958, p 342.
7. *The Hindu*, 17 June 1947.
8. Alan Campbell Johnson, *Mission with Mountbatten*, London, 1951, p. 120.
9. *Time only to Look Forward*, speeches of Rear Admiral the Earl Mountbatten of Burma, London, 1949-50, p. 268.
10. *Khidmat*, Srinagar, 2 July 1947.
11. Mehar Chand Mahajan, *Looking Back*, Bombay, 1963, p. 265.
12. Major K. Brahma Singh, *History of Jammu and Kashmir Rifles*, New Delhi, 1990.
13. Durga Das [ed. *Sardar Patel's Correspondence*, Ahmedabad, Vol. I. p. 71.
14. Pyarelal, *op cit*, 29 December 1947, p. 274.
15. *Ibid*, p. 348.
16. Quoted by Jyoti Bhushan Das Gupta, *Jammu and Kashmir*, The Hague, 1968, p. 82.
17. *Ibid*, p. 92.
18. *Khidmat*, Srinagar, 17 October 1947.
19. M.C. Mahajan, *op cit*, p. 269.
20. *Kashir*, Vol. I, 1974 edition, p. 19.
21. *Tarikh Aquam-i-Kashmir*.
22. Quoted by G.M.D Sufi, *op cit*, p. 696.
23. *Atash-i-Chinar*, Srinagar, 1986, p. 395.
24. *Ibid* p. 405.
25. M.C. Mahajan, 1963, *op cit*, p. 277.

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The Years of Uncertainty

The accession of Jammu and Kashmir to the Indian Union was formally accepted by the Maharaja and supported by Sheikh Abdullah, the acknowledged leader of Kashmir. Though constitutionally and politically valid, it did not end the uncertainty over the final status of the State mainly for three reasons. First, the accession was subject to a reference to the people of the State. Second, the issue of the future of the State was internationalized as it was referred to the United Nations Security Council for a "peaceful settlement". Third, a war had to be waged to clear the State of invaders. In his letter to the Maharaja, dated 27 October 1947, conveying his government's decision to accept the accession of Kashmir to the dominion of India, Lord Mountbatten declared:

Consistent with their policy that, in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my government's wish that, as soon as law and order have been restored in Kashmir and its soil cleared of the invaders, the question of the State should be settled by a reference to the people.¹

Many considerations must have weighed with the Government of India in making this commitment. It was in continuation of the stand taken by the Congress from pre-independence days that "sovereignty belonged to the people and not to the State". In the case of Kashmir, insistence on this need for a referendum was the only way to overcome the Maharaja's resistance to accede to India. It demonstrated the Government of India's trust in the people of

Kashmir and exposed Pakistan's distrust of them. Further, this principle alone enabled India to annex two other states: Hyderabad, whose ruler had declared independence, and Junagarh, where the ruler had acceded to Pakistan.

Thus apart from moral and idealistic considerations, the decision to subject the issue of accession to a referendum was the only way to get the accession of three vital princely states to India. Judging by the mood of the people of Kashmir at that time, India was confident of winning a plebiscite, whereas Pakistani leaders who had recognised the sovereign rights of the princes were afraid of losing it. At a meeting of the Governors General of India and Pakistan on 1 November 1947 at Lahore, Mountbatten offered to resolve the issue of Kashmir by getting a verdict from the people. Replying to the Mountbatten formula, Jinnah stated that a plebiscite was "redundant and undesirable". Hodson reports that Jinnah "objected that with Indian troops present and Sheikh Abdullah in power the people would be frightened to vote for Pakistan."² Mountbatten's offer to hold a plebiscite under the auspices of the United Nations was also not acceptable to Jinnah who instead proposed that he and Mountbatten should have plenary power to control and supervise the plebiscite.³ The latter being a temporary figurehead of India could not represent the country. The talks thus broke down.

When bilateral efforts to resolve the dispute had failed, India took it to the United Nations Security Council. In its complaint lodged on 1 January 1948, India drew the attention of the Council to the threat to international peace and security "owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is a part of India". The Government of India as such requested the Security Council to "call upon Pakistan to put an end immediately to the giving of such assistance, which is an aggression against India". If Pakistan did not do so, the Government of India "may be compelled, in self-defence, to enter Pakistan territory in order to take military action against the invaders."⁴

It is intriguing that, instead of lodging its complaint under Chapter VII of the UN charter which deals with acts of aggression, India invoked Chapter VI under which parties to the dispute seek pacific settlement of disputes by "negotiations, enquiry, mediation, con-

ciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice". In this chapter there is no provision for any action against the aggressor.

However, to show its earnestness India not only reiterated its commitment to allow the people of Jammu and Kashmir a right to plebiscite but also offered to hold it under international auspices "in order to ensure its complete impartiality". This could only be after the State had been cleared of the invaders.⁵

In its resolution of 13 August 1948, the United Nations Commission for India and Pakistan (UNCIP) appointed by the Security Council, proposed to determine the future status of Jammu and Kashmir "in accordance with the will of the people."⁶ Meanwhile, the presence of Pakistani troops in the territory of the State, which had been earlier denied was established. The Commission recommended the withdrawal of Pakistani troops, tribesmen and other Pakistani nationals from the State. It was decided that the territory thus evacuated would be administered by the local authorities under the surveillance of the Commission. India was required to withdraw the bulk of its forces in stages, after a withdrawal by Pakistan.

India accepted the resolution of the Commission within a week after it was passed. Pakistan however raised a number of objections and evaded its acceptance till 20 December 1948. The acceptance thereafter must have been influenced by the heavy blows inflicted by the Indian army on Pakistani forces. The way was thus clear for a cease-fire which became operative on 1 January 1949.

Pakistan's delay in accepting the Commission's resolution gave much valuable time to the Indian armed forces to secure their major objectives. The valley was completely cleared of the raiders. Leh, Kargil and parts of Ladakh were won back. In Jammu, the town of Poonch was freed and control was established over the area between it and Rajouri.

The spectacular success of the Indian army in the valley was primarily due to its flat topography, the active co-operation of the people and the cooperation of the organized cadre of the National Conference. It is doubtful whether the army would have achieved a similar success in the area across the cease-fire line: this region was hilly and inhabited by a martial Pathoari community, a section of which had started a revolt against the State authority.

The cease-fire line in the Kashmir region follows a well-defined ethnic and cultural divide between Kashmiri and non-Kashmiri people. In the Pakistan-held part of the State the people cannot be culturally identified as Kashmiris. So Azad Kashmir and Pakistan Occupied Kashmir (POK) as it is called by the Pakistanis and Indians respectively, are both misnomers. If we bear in mind the fact that the major thrust of Indian policy was to build up sentiments of Kashmiri patriotism as the most viable bulwark against the appeal of Pakistan, the cease-fire line would seem to serve its purpose. It consolidated and crystallized Kashmiri identity, and put it in a dominant position in the State while protecting it from the influence or the challenge of a community which had close ethnic and cultural affinities with Punjabi Muslims and hence with Pakistan.

There is no evidence however to indicate how far, the strategic and political considerations discussed above weighed with the Government of India in its ready acceptance of the cease-fire line based on the situation on 1 January 1949. But India has rarely made a serious claim or effort to liberate the Pakistani-held part of the State. The National Conference leadership was not greatly enthusiastic about getting back an area which had always been hostile to it in the past. In any case, the loss of the POK territory was the price India had to pay for the inordinate delay in settling the question of accession.

The resolution of 13 August 1948 was complemented by another on 5 January 1949. Through this resolution the UNCIP re-confirmed the legal status of the Government of Jammu and Kashmir. A plebiscite administrator was to be formally appointed by the UNCIP and to derive powers for conducting the plebiscite from it.⁷

Another notable development in the protracted deliberations of the Security Council on Jammu and Kashmir was the report of the UN mediator Sir Owen Dixon. He, *inter alia*, observed:

When the frontier of the State of Jammu and Kashmir was crossed, on I believe 20 October 1947, by hostile elements, it was contrary to international law, and that when in May 1948, as I believe, units of regular Pakistan forces moved into the territory of the State, that too, was inconsistent with the international law.⁸

This was as near as any UN representative could come round to supporting any Indian demand to declare Pakistan the aggressor.

The Security Council did not make a formal declaration to that effect because its members argued that India had sought UN intervention under Chapter VI of the Charter for settlement of the dispute, and not under Chapter VII for evacuation of an aggressor.

However, the operative recommendations of Dixon caused some ripples in the internal politics of the State for it held the view that the State was not really a geographical, demographic, or economic unit. In his report submitted to the Security Council on 19 September 1950, Dixon suggested "some method of allocating the Kashmir Valley". He recommended the partition of the rest of the areas between India and Pakistan on the basis of the known sentiments of their inhabitants, keeping in view the importance of geographical features in fixing international boundaries.⁹

The specific recognition of Kashmiri identity indicated a new opening for its expression. According to the former Director of the Intelligence Bureau B.N. Mullik, the proposal had the tacit consent of Sheikh Abdullah.¹⁰ Another party which welcomed it was the Bharatiya Jana Sangh. Its leader Balraj Madhok declared, "Dixon's proposals appeared to be eminently reasonable and practical."¹¹ India did not reject the proposal of a regional plebiscite outright but the Prime Minister of Pakistan, Mohammad Ali Jinnah, in his talks with his Indian counterpart Nehru on 20 August 1953, "found fault in it."¹²

The Security Council did not take any action on Dixon's report but it did encourage centrifugal tendencies within the Indian part of the State. We need not follow the entire course of the Kashmir debate in the Security Council but an objective assessment of its deliberations would reveal that India was more enthusiastic than Pakistan about a plebiscite in the State till the early fifties. The roles were gradually reversed after 1953. As late as March 1991, the former POK president Sardar Ibrahim acknowledged, at a seminar held in Islamabad, that the Pakistan Government evaded and avoided holding a plebiscite in the state of Jammu and Kashmir in the early years.¹³

A number of developments resulted in the rupture of the emotional bond between Kashmir and India. This eventually led to the dismissal from power, and indefinite detention of the hero of the State and the kingpin of India's Kashmir policy, Sheikh Abdullah on 9 August 1953. Later, the Indian government evaded implementation of its commitments. India's Home Minister, Pandit Govind

Ballabh Pant, during his visit to Srinagar in 1957, declared that the State of Jammu and Kashmir was an integral part of India and there could be no question of a plebiscite to determine its status afresh.

Many reasons are given for India's tougher stand in the Security Council. Reacting sharply to the US-Pakistan military pact of 1954, Prime Minister Nehru said, "This produces a qualitative change in the existing situation and therefore, it affects Indo-Pakistan relations and more especially, Kashmir." In a letter to the Pakistani prime minister he argued: "It made all talks between the two countries about demilitarization absurd when the object was militarization of Pakistan."¹⁴

Another development cast doubts on the bona fide intentions of Pakistan. It started negotiations with China on the demarcation of the border of the State of Jammu and Kashmir with that of Sinkiang. It also ceded some territory to China over which India still claimed sovereignty—a claim accepted by the Security Council's resolution of August 1948.

However, there was also an unstated reason for avoiding its commitment to a plebiscite. The Government of India was no more confident of winning it. As a pre-condition for further negotiation, India now demanded that Pakistan vacate the territories it had occupied in India—something that India should have done in January 1948 when it lodged its complaint with the Security Council.

All moral and political arguments which India had used earlier to fortify its case, were dropped.

In a report to the Security Council on 29 October 1957, the UN representative Gunnar Jarring reported a deadlock in Indo-Pak negotiations to implement the plebiscite resolution. He said:

I could not fail to take note of the concern expressed in connection with the changing political, economic, and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia. The Council will furthermore be aware of the fact that the implementation of international agreement of an ad-hoc character, which has not been achieved fairly speedily, may become progressively more difficult.¹⁵

By this time the Kashmir issue had become a part of the cold war. While the Anglo-American block was inclined towards Pakistan the former Soviet Union backed India. On their historic visit to

Kashmir in December 1955, Soviet leaders Khrushchev and Bulganin categorically declared: "the question of Kashmir as one of the States of India has already been decided by the people of Kashmir". In the Security Council, the Soviet Union vetoed all resolutions on Kashmir which suggested a plebiscite on conditions not favourable to India. Soviet moral support allowed India to finally give up its commitment to plebiscite.

However, the secessionist movement continues to draw its legitimacy from the Government of India's original commitment to a plebiscite and the Security Council resolution relating to it. Moreover, prolonged uncertainty over the future of the State and the internationalization of the issue has affected the Kashmiri psyche too deeply to enable the Kashmiris to develop lasting loyalties for India.

It was not just Sir Owen Dixon who wished to stimulate the Kashmiri urge for *azadi*. According to declassified documents of the USA regarding the political developments in Kashmir, the American ambassador in India, Loy Henderson sent feelers to Sheikh Abdullah. Henderson records that Abdullah favoured the idea of an independent Kashmir, but if this was an impossible choice, then he preferred accession to India rather than Pakistan.¹⁶

In May 1953, when relations between Abdullah and New Delhi were strained, the American statesman Aldair Stevenson, who met Abdullah in Kashmir, reportedly got from him a more categorical support for an independent Kashmir. In an interview to *The Manchester Guardian*, Stevenson said: "The best status for Kashmir could be independence both from India and Pakistan." His initiative was followed by the US Secretary of State, Dulles, who visited India and Pakistan to canvass support for the same idea.

Earlier, the Soviet Union and the Communist Party of India had encouraged Abdullah and Kashmiri nationalism towards autonomy and independence. During the Stalin era when relations between the Soviet Union and India were not cordial, and it was official communist policy to encourage regional particularism in India, there are many references in Soviet and CPI literature to the right of self-determination of each nationality of the State and to the demand for independent Kashmir. The CPI, which in those days faithfully followed the Soviet line, observed in its official organ: "The idea of independent Kashmir reflected the innermost desire of the Kashmiri people."¹⁷ When I shared my impressions with P.

Sundarayya, the leader of the Communist Parliamentary Party, in the beginning of 1953, that America might be encouraging Abdullah towards independence, he asserted, "Comrade, you are misinformed, Abdullah is playing our game." He argued that Abdullah was basically a Kashmiri chauvinist but by resisting Indian domination which was tied to the Anglo-American block, his role acquired a progressive character.

Thus, both the United States and Soviet policy (reflected by the CPI) gave a new stimulus and direction to Kashmir's urge for *azadi*. From 1950 to early 1953, both seem to have been working in the same direction. In 1953, however, the CPI changed its theoretical stand. Instead of the right of self-determination of nationalities, it now talked of the indissolubility of the Indian State. By this time Stevenson and Dulles had revealed the American game plan in Kashmir and the post-Stalin Soviet leadership had taken an initiative to befriend India.

Indian nationalism had lost much of its moral élan and had developed tendencies towards uniformity and centralization. Kashmiri nationalism, on the other hand, acquired a fresh sense of importance as the option to decide Kashmir's final affiliations remained open for a long period and the super powers courted it, one after the other. The task of reconciling the two became increasingly difficult, especially in view of the other developments which are discussed in the next chapter.

NOTES

1. *White Paper on Jammu and Kashmir*, Government of India, New Delhi, 1948.
2. H.V. Hodson, *The Great Divide: Britain, India, Pakistan*, London, 1969.
3. *Ibid.*
4. For the full text of India's complaint, see B.L. Sharma, *The Kashmir Story*, 1967, Appendix 1.
5. *Ibid.*
6. *Ibid.*, Appendix 3.
7. *Ibid.*, Appendix 6.
8. Dixon's Report S/1791 p. 21, quoted by B.L. Sharma, *op cit.*, p. 83.
9. *The Hindustan Times*, 27 September 1950.
10. B.N. Mullik, *My Years with Nehru*, New Delhi, 1971, p. 24.
11. Balraj Madhok, *Kashmir: Centre of New Alignments*, New Delhi, 1963, p. 117.
12. *White Paper on Kashmir*, Government of India, New Delhi, 1953-54, p. 7.

TRACTS FOR THE TIMES

13. *Kashmir Azadi Ki Jadojehad* (Urdu), Institute of Policy Studies, Islamabad, Pakistan, 1991.
14. *White Paper on Kashmir*, Government of India, New Delhi, 1953-54, pp 46-8.
15. SCOR, No. 798, para 40, quoted by B.L. Sharma, *op. cit*, pp. 106-7.
16. *The Indian Express*, New Delhi, 13 July 1978.
17. *Cross Road*, 20 May 1949.

4

The Clash of Identities

The State of Jammu and Kashmir acceded to the Dominion of India on exactly the same terms of the Instrument of Accession as were applicable to the other princely states ruled by 140 members of the Chamber of Princes. This instrument was defined earlier in Section 6 of the Government of India Act, 1935, while the Indian Independence Act of 1947 provided that the Governor General could adopt it under the Indian Provisional Constitution Order, 1947. The Instrument limited the accession of the States to the Indian dominion to three subjects, namely, defence, external affairs and communications, conceding a residual sovereignty to the States. The Instrument signed by Maharaja Hari Singh on 26 October 1947 included the following provisions:

The terms of this Instrument of Accession shall not be varied by an amendment of the Act (Government of India Act, 1935) or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my decision to enter into arrangement with the Government of India under any such future constitution.

Nothing in this Instrument affects the continuance of my sovereignty in and over the State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in this State.¹

Despite the accession, the State's relationship with the Dominion of India remained unstable, particularly in the early stages. Threatening to withdraw the accession, the Maharaja wrote to Sardar Patel on 31 January 1948, that he had acceded to the Indian Union "with the idea that the Union will not let us down and the State will remain acceded to the Union and that my position and that of my dynasty would remain secure". Expressing apprehensions about the result of the plebiscite and his dynasty's interests within India, he felt, that even at that stage, "it might have been possible to have better terms from Pakistan."² In reaction to the Maharaja's letter, Nehru wrote on 9 February 1948 that, "certainly the idea of cancellation of accession is completely wrong. That will only lead to trouble for him and for us."³

Significantly, the Prime Minister did not comment on the Maharaja's legal right to cancel accession. The incident however, highlighted the fact that the fluid situation in the State due to the presence of Pakistani forces, India's commitment to plebiscite, and later, interminable debates in the Security Council and the manipulations of the big powers, could tempt not only a Hindu Maharaja but also his Muslim subjects to keep their options open on the issue of accession.

Meanwhile the lack of a common ground between the Government of India and the National Conference (NC) leaders began to surface for other reasons as well. From the very beginning the NC leaders were apt to treat the terms of the Instrument of Accession literally. They, like the Maharaja, innocently believed that its terms were sacrosanct and would always continue to have the same meaning. The Indian government, however, on the basis of its experience with the other states, tended to regard the Instrument as a provisional formality with expectations that the State of Jammu and Kashmir, too, would eventually follow the uniform pattern.

Sir N. Gopalaswamy Ayyangar, a member of the Drafting Committee, told the Constituent Assembly on 6 October 1949 that "in case of practically all states other than the State of Jammu and Kashmir, their constitutions also have been embodied in the constitution for the whole of India." And he represented the mood of the House when he observed, amidst cheers: "It is the hope of everybody here that in due course even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in case of other states."⁴

ARTICLE 370

Meanwhile the annexation of Hyderabad through police action, and Junagarh through a plebiscite, had taken place. Any special consideration for the aspirations of the people of Kashmir therefore, lost its pragmatic compulsion. Pressure had also started mounting on the State Government to cede more powers to the Centre. At a meeting of the representatives of the state governments and the Government of India held in May 1949, it was agreed that the Constituent Assembly of the State would decide upon the transfer of powers to the Government of India. Accordingly, a "transitional and provisional" Article 370 was incorporated in the Indian Constitution with the idea that, to quote Ayyangar:

When the Constituent Assembly of the State has met and taken its decision on the constitution of the State and the range of federal jurisdiction over the State, the President may, on the recommendation of that Constituent Assembly, issue an order that Article 370 shall either cease to be operative or shall be operative only subject to such exceptions and modifications as may be specified by him.⁵

The special constitutional status of the Jammu and Kashmir State was thus not granted by the Government of India, but was sanctioned by the relevant provisions of the Government of India Act of 1935, the Indian Independence Act of 1947, the Indian (Provisional) Constitution Order of 1947 and the Instrument of Accession. Neither the Maharaja nor those who inherited power from him were prepared to surrender that status. Speaking in the Constituent Assembly of the State, Abdullah thus explained: "while other Princes agreed to the application of the Indian Constitution to their States, the Maharaja (of Jammu & Kashmir) declined to do so". The State, he claimed, had a political justification for it. In fact he held that what was good for his State, should be good for all the states, for "the Federation formed voluntarily would be a stable one."⁶ But the fact that Abdullah had the added responsibility of winning a plebiscite in Kashmir against the religious appeal of Pakistan must have been an additional compulsion for him. In a letter to Abdullah on 18 May 1949, Nehru confirmed:

It has been the settled policy of the Government of India which

on many occasions has been stated both by Sardar Patel and by me that the constitution of Jammu and Kashmir State is a matter for determination by the people of the State represented in the Constituent Assembly convened for the purpose.⁷

The Constituent Assembly of India or its successor parliament had no constitutional right to abrogate or modify Article 370. This right belonged solely to the Constituent Assembly of the State. Some jurists like A.G. Noorani have argued that the State Assembly also had no such right and that modifications brought in the Article after the State Constituent Assembly was dissolved are to be considered null and void. He quotes President Rajendra Prasad's note to Prime Minister Nehru on 18 May 1949 in support of his contention. According to Dr. Prasad, only after the constitution of the State had been fully framed, could the president take recourse to Article 370 to determine Centre-State relations once for all. But he questioned "the competence of the President to have repeated recourse to the extraordinary powers conferred on him by Article 370."⁸

Article 370 limits the power of Parliament to make laws for the State of Jammu and Kashmir in "those matters in the Union List and Concurrent List which are declared by the President to correspond to matters specified in the Instrument of Accession and such other matters in the said Lists as, with the concurrence of the Government of the state, the President may by order specify."⁹ In his bid to define Centre-State relations once and for all, Abdullah suggested that the reference to the 'Government of the State' in Article 370 should only mean the council of ministers appointed by the Maharaja for the first time i.e. on 5 March 1948. Ayyangar, on the other hand, was in favour of including the subsequent governments as well so that the new central legislation could continue to be applied to the State with the consultation and concurrence, as the case may be, with all the state governments to come. Though Abdullah threatened to resign from the Constituent Assembly of India on this issue, the Government of India refused to yield. In a letter to Nehru, Ayyangar wrote, "Sheikh Abdullah has not reconciled himself to this change but we cannot accommodate him."¹⁰

The Government of India continued to persuade and pressurise the State Government to accept more provisions of the Indian Constitution and after hard bargaining by both sides, Nehru and Abdullah entered into what became known as the Delhi Agreement

on Centre-State constitutional relations in July 1952. It was decided that under the Agreement, the "Union flag will occupy the Supremely distinctive place in the State (which had its own flag also)." The fundamental rights of the Indian Constitution would apply to the State, and the jurisdiction of the Supreme Court would be extended to the State in regard to the fundamental rights as well as in respect to disputes between states and between the State and the Centre.¹¹

DISCONTENT IN JAMMU

Meanwhile a volcano of discontent was simmering in Jammu. This added further complications to Centre-State relations. Before Independence, Jammu had been larger in area and population than Kashmir apart from being the centre of power. The cease-fire line cut the region in two parts held by India and Pakistan. Though it still continued to be larger in area than the valley, it represented 45 per cent of the population of the State as against about 53 per cent of the valley. Accession of the State to India and the dawn of democracy for the people of Jammu as such meant transfer of power from a Jammu-based ruler to a Kashmir-based leadership.

The latter inspired by a philosophy of Kashmiri nationalism, was incapable of extending its influence to Jammu or understanding the mind of its people, whether Hindu or Muslim. It was not only ignorant of the politics and personalities of the region but also prejudiced against its basic aspirations.

The National Conference committees in Jammu and their office bearers were repeatedly changed and made non-functional by the Kashmiri leadership as it did not trust even the persons nominated by it. The termination of the monarchy and the transfer of land to the tiller without compensation had affected the interests of the feudal leadership of Jammu. But the status reversal also affected the psychology of the common people.

Loose talk by some Kashmiri leaders of the National Conference in terms of a reversal of 100 years of what they called 'Dogra Raj' over Kashmir, hurt the sentiments of the people of Jammu. Their sense of deprivation was also evident from the fact that in 1952 out of a cabinet of five, Jammu had only one representative (whatever be his representative character) even though the numerical

superiority of the valley is nominal. All the important office bearers of the ruling party—president, vice-president, general secretary and treasurer—also belonged to the valley.

Apart from being thus deprived of a sense of participation in the new system and humiliated by the new rulers, the Hindu majority of Jammu was further uncertain of its fate in the event of the Muslim majority of the State voting against India in a plebiscite to which India was categorically committed. These fears bred the ideas of division of the State and zonal plebiscite in the minds of a section of its population. Provoked by such demands viz., of the Praja Parishad, the Jammu counterpart of the Bharatiya Jana Sangh, Abdullah remarked, "It was an insult to the principles for which Mahatma Gandhi laid down his life and had made our fight against Pakistan futile."¹²

The Parishad modified its stand into an apparently nationalistic demand of abrogation of Article 370. It provoked an angry reaction in Kashmir. Abdullah called the demand "unrealistic, childish and insane." In his oft-quoted speech at Ranbir Singh Pura in Jammu on 10 April 1952, he said:

We have acceded to India in regard to defence, foreign affairs and communications in order to ensure a sort of internal autonomy.... If our right to shape our destiny is challenged and if there is resurgence of communalism in India, how are we to convince the Muslims of Kashmir that India does not intend to swallow us?¹³

REGIONAL AUTONOMY

As a political activist of Jammu, I had personally campaigned for some political and constitutional arrangements for an equitable sharing of political power by the three regions of the State. In my meeting with Nehru on the eve of the finalization of the Delhi Agreement, I argued the case of regional autonomy on the same basis on which Kashmiri leaders were demanding autonomy for the State. To this Nehru fully agreed, and while releasing the text of the Delhi Agreement told a press conference on 24 July 1952 in the presence of Abdullah, that "the State Government was considering regional autonomies within the larger state".¹⁴ Abdullah endorsed the commitment.

This would have been an ideal way of reconciling the aspirations of the three regions. But the Jana Sangh and the Hindu Maha Sabha rejected the Delhi Agreement and its corollary of regional autonomy. They launched an agitation, in which they were joined by the Ram Rajya Parishad, for what they called full accession of the State to India.

For the same agitation in Jammu, the Praja Parishad was able to mobilize a broad coalition of hurt regional pride along with communal and integrationist sentiments from amongst the followers of the dethroned Maharaja and dispossessed landlords. But the Sangh-Parishad agitation marked the beginning of the end of Kashmir's emotional relations with the rest of India. It hit at the most sensitive point of the Kashmiri psyche as it threatened the autonomy and identity of Kashmir for the protection of which the Kashmiris had fought against their co-religionists in Pakistan and had opted for India. Moreover, the agitation even made the issue of accession controversial by projecting the degree of centralization of power as a measure of patriotism. In reality, accession, like marriage, cannot have degrees and as Nehru observed, "the accession of the State was complete when it first acceded in 1947."¹⁵ Special constitutional provisions did not make its accession conditional, he said. Giving a similar explanation, the then Home Minister G.L Nanda told the Lok Sabha in 1964 that the accession of Jammu and Kashmir was as complete as that of other princely states in the heart of India.¹⁶

According to the former Director of the Intelligence Bureau B.N Mullik, the agitation "shocked Nehru who for the first time started feeling doubtful about the future of Kashmir."¹⁷ In his letter to the Sangh president Dr. Shyama Prasad Mukherjee on 5 February 1953, Nehru opined that he did not have "a shadow of doubt that the communal agitation of the Parishad, supported by communal and narrow-minded elements in India would bring disaster in its train, not only for Jammu and Kashmir but also to the larger interests of India."¹⁸ In a sudden and dramatic climb-down, Mukherjee offered, in his letter to the prime minister on 17 February 1953, his support for the unity of the State Article 370 and other terms of the Delhi Agreement, including regional autonomy.¹⁹ The unfortunate death of the Jana Sangh leader in Srinagar jail at this point once again raised tempers. Subsequently, the Jana Sangh and the Praja Parishad went back on the commitments of Mukherjee, Mullik takes the credit for persuading the Praja Parishad to withdraw the

agitation "in view of the harm it was doing to the national interest,"²⁰ but the damage it had done was irreversible. Addressing a National Conference rally on 25 July 1953, Abdullah said:

The confidence created by the National Conference in the people here (regarding accession to India) has been shaken by the Jana Sangh and other communal organizations in India.²¹

In some of his angry moments, Abdullah equivocated on the issue of accession, which created doubts about his bonafides. He also rejected the offer of the Government of India, conveyed by Maulana Abul Kalam Azad in his letter of 9 July 1953, to the effect that the special status of "Kashmir will be made permanent". Abdullah argued that at that stage "the declaration would not suffice to dispel the fears that had arisen in the minds of the people of Kashmir."²²

In this atmosphere of mutual distrust, several other factors, including manipulations by the big powers contributed to precipitate a crisis which led to the dismissal from power and indefinite detention of Sheikh Abdullah on 9 August 1953. This, in turn, further alienated the people of Kashmir. Nehru's dream of making Kashmir a willing part of India and a source of strength to its secular basis was thus shattered. India's moral image abroad nose-dived. The decade-long reign of repression and corruption that followed, only aggravated the problem.

BONDS RUPTURED AND RE-ESTABLISHED

An important feature of this phase of alienation of Kashmir was that it retained its ideological, umbilical link with the rest of the country. The Plebiscite Front led by Abdullah continued to swear by secularism and broad Gandhian values. Indian liberals including socialists and Gandhians like Jayaprakash Narayan, Rajaji and Vinoba Bhave were still sympathetic to the basic aspirations of the people of Kashmir. Even Nehru was keen to retrieve the situation.

Working in close cooperation with these forces, I had a series of meetings with Abdullah who was in jail in Jammu and the prime minister in New Delhi. A basis was thus created for his release on 6 April 1964, and a dialogue arranged between him and Nehru. In a statement drafted by me and signed by Abdullah, he declared

that he had led the State's accession to India and was bound by whatever he said and did till 8 August 1953. But he was not responsible for what happened afterwards.²³ In what was his last press conference at Bombay, Nehru welcomed the statement and said that "before his (Abdullah's) arrest, accession of Kashmir to India had been more or less completed."²⁴

Nehru was also keen to explore the possibility of a settlement with Pakistan, and it was at his suggestion that Abdullah went there. But, alas, Nehru died on 27 May 1964 before Abdullah could return from the mission.

All hopes raised by the bold initiative of Nehru and the warm response of Abdullah were dashed to the ground as the successor government in New Delhi considered constitutional integration of the State more important than its emotional integration with the rest of India. By December 1964, a series of constitutional amendments were rushed through in the teeth of popular opposition. With the concurrence of a pliable State Assembly, Articles 356 and 357 of the Constitution were made applicable to the State by virtue of which the Centre could assume the government of the State and exercise its legislative powers. The nomenclature of the heads of the State and the government was changed to conform to the uniform pattern in the country. The head of the State was now to be nominated by the Centre instead of being elected by the state legislature. The ruling National Conference was converted into a Pradesh Congress Committee.

The people of the valley reacted with unprecedented anger against what they perceived to be an assault on their identity and autonomy. Protest rallies were held in the valley as well as in the Pakistan-held part of the State. In response to a call for a social boycott of Muslim Congressmen by Abdullah, people declined to attend their marriages, religious functions and funerals. The resentment of the people, unlike in 1953, was neither always non-violent and non-communal nor disciplined. Meanwhile, on 5 February 1965 Sheikh Abdullah along with Begum Abdullah and Mohammad Afzal Beg left for a tour of Europe and West Asia, including a pilgrimage to Mecca. However, the Government of India took a serious view of his meeting with the Chinese Prime Minister Chou en Lai at Algiers where they both happened to be on a visit at the time. The Government of India threatened to cancel his passport if he did not return immediately. He and Beg were arrested as soon

as they landed in Delhi on 8 May 1965. In Kashmir, angry protests were again suppressed with brute force and large-scale arrests of the workers of the Plebiscite Front. It was this particularly sensitive situation that tempted Pakistan to send armed infiltrators in August 1965 to "liberate" the Kashmiris from India. Notwithstanding their resentment against India, the enigmatic Kashmiris were even less enthusiastic to accept the invaders as their new masters and therefore withheld their co-operation. The Indian forces as well were able to spot the foreign raiders from the indifferent Kashmiri population and rounded them up. By opening a second front on 5 September in Punjab, they forced Pakistan to accept a cease-fire on 23 September and withdraw its forces from Kashmir.

The Western press, which was highly critical of the integrationist measures of the Indian Government in the State, was equally critical of Pakistan's attempt to settle the issue by force. The foreign media that covered the Kashmir front, exposed the hollowness of Pakistan's claim that there was a popular revolt against Indian rule. John Freeman, the High Commissioner for the UK in India, who had initially taken a pro-Pakistan stand, observed "the world is deeply impressed by the behaviour of Kashmiri people with infiltrators."²⁵

Pakistan's attempt to annex Kashmir by force somewhat helped remove a sense of guilt from the Indian conscience represented by statesmen like Jayaprakash Narayan and Rajaji. However, while they refused to treat an aggressor as a party to the dispute henceforth, they (Jayaprakash Narayan in particular), launched a fresh campaign for a dialogue with the Kashmiri leaders for a satisfactory status of the State within the Indian framework. Besides eminent public personalities, one hundred and sixty-three MPs demanded the release of Abdullah and a dialogue with him. There was no concrete response by the Kashmiri leaders to various proposals that were mooted during this period till the emergence of Bangladesh. This undermined their bargaining capacity and restored Kashmir's faith in a culture-based identity as opposed to an exclusively religion-based one.

I approached Prime Minister Indira Gandhi with a proposal that Abdullah's 'right to demand autonomy within India' should be conceded without conceding autonomy, as was the case with the regional parties in Tamil Nadu, but differences on this issue should not come in the way of his coming to power. She was quick to

accept the proposal but Abdullah did so after long arguments that extended over two months. Eventually it became the basis of what was called the Kashmir accord signed by his representative, Mohammad Afzal Beg and the Indian Government representative, G. Parthasarthy, on 13 November 1974.

The new accord accepted the State of Jammu and Kashmir as a part of the Union of India which was to continue to be governed by Article 370 of the Constitution of India, and have residuary powers of legislation. The Government of India agreed to "sympathetically consider amendment or repeal of some category of central laws extended to the State after 1953 as the state legislature decides."²⁶

THE ELUSIVE SOLUTION

The terms of the Kashmir Accord caused some disappointment in Kashmir, particularly in a section of its youth, for it offered much less autonomy to the State than it enjoyed in 1953. That Abdullah was elected leader by the Congress assembly party and was made to share power with a party which had symbolised the Centre's domination over the State also did not please many Kashmiris. However, they accepted the accord in view of the changes in the balance of power in the subcontinent and the confidence that a towering personality like Abdullah at the helm would protect their identity. He received a tumultuous welcome on his return to the valley after taking the oath as chief minister at the winter capital of Jammu. He maintained a firm grip over the Kashmiri mind, notwithstanding the many lapses of his government. The fact that he defied the Centre on some issues helped to satisfy the Kashmiri ego.

For almost a decade thereafter, communal and secessionist forces were marginalized. The revived National Conference won sweeping victories in the assembly elections in 1977 and 1983—widely recognised as the fairest in Kashmir—which further legitimized the Accord. The Kashmir problem appeared resolved and, for the first time, it was no longer on the international agenda of disputes. However, the issue was kept alive by those Indian commentators who, as far as Kashmir was concerned, regarded anti-Centre noises as a call for secession. The Indira-Abdullah accord was evaluated not in terms of a decline of secessionist sentiment, but by

the degree of the Centre's control over the State and the Congress-National Conference cordiality. If double standards had not been used, Tamil Nadu and West Bengal perhaps would have been regarded as problem States of a far graver nature. For, the non-Congress governments of these states were more defiant of the Centre even during the Emergency.

RECREATING THE PROBLEM

It required an extraordinary genius to recreate the Kashmir problem. Those who decided to dismiss the government of Farooq Abdullah on 2 July, 1984 (his party, the National Conference had won 47 seats in the assembly of 76 members) succeeded in sowing afresh the seeds of the problem. In many respects, it was a severe blow to the dignity and identity of Kashmir. Abdullah's dismissal signalled a message that even if the Kashmiri people did not wish to remain within India, they would not be allowed to secede. Whereas the dismissal of Farooq conveyed that even if the people wished to remain within India, they would not be free to choose their own government.

The 63-page defence by Jagmohan,²⁷ the Governor of the State at that time, of his action of dismissal of the Farooq Government cannot hide the fact that the operation was planned and engineered in New Delhi. G.M. Shah, Farooq's brother-in-law, could not have staked his claim to chief ministership without the encouragement of the Centre. Twelve members of the assembly would not have dared to defect from the National Conference unless they were assured of ministries by a power superior to the chief minister, or if the strength of the rival groups had been tested on the floor of the assembly and not in the Raj Bhawan. It is also a matter of public knowledge that the previous Governor B.K. Nehru was transferred to Gujarat and was succeeded by Jagmohan because he had declined to play his part in toppling the Farooq government. He not only questioned the constitutional propriety of the move, but also warned against its political fallout.

We need not linger over the formal modalities and the sordid details of the toppling game. What is important is to take note of the reasons that motivated it and its consequences. One of the char-

ges against Farooq was that he was "hobnobbing" with the opposition parties and had hosted an opposition conclave in Srinagar.

The charge implied that the Kashmiris were less than full Indian citizens and had no right to accept or reject political parties. Doubts about Farooq's patriotism were soon removed and a certificate of patriotism issued to him the moment he broke his alliance with the opposition and forged it with the Congress. He was allowed to return to power in November 1986 when he agreed to share it with the Congress.

What was the legacy of the Shah Government? It imposed on Kashmir the longest-ever spells of curfew and was therefore nicknamed 'curfew sarkar'. In its first 90 days Kashmir remained under curfew for 72 days. It revived and sought support from Muslim fundamentalists in Kashmir and Hindu fundamentalists in Jammu. Kashmir tarnished its image, when for the first time communal incidents took place and temples and houses of many Kashmiri Pandits were damaged in the Anantnag district in February, 1986.

A good-will team including Maulana Abdul Rahman, Bachan Singh Panchhi and me visited the affected areas. We found that the spirit of *kashmiriat* and human brotherhood was not dead. Large gatherings, mainly Muslim, listened to our admonitions with respect. We got promises of contributions from the Muslims for reconstruction of damaged temples as an act of atonement. At Luk Bhawani, a sum of Rs. 10,000 was collected on the spot in response to my appeal. I was told by Kashmiri Pandit leaders that they had withdrawn the call for migration on finding a transformation of the Muslim mind after our visit. The easy transformation further confirmed the general impression in the valley that the communal incidents were not spontaneous but engineered through a planned campaign of rumours and other means. Curiously, while accusing fingers were raised against some members of secular parties, we found no evidence of the involvement of the Jamait-i-Islami.²⁸

Shah was dismissed as arbitrarily as he was appointed. Governor's rule provided some relief for a while from the oppressive, corrupt and inefficient Shah regime. But Jagmohan, notwithstanding his integrity and efficiency, could never be a substitute for a democratically elected leader. In any case, a non-Kashmiri nominee of the Government of India could not easily aspire to be a popular leader of Kashmir. In addition, Jagmohan had to live down the image he had created of himself among the

Muslims as Lieutenant Governor of Delhi during the Emergency and as Governor in Kashmir in propping up the Shah regime.

Jagmohan's lack of empathy with the Kashmiri identity was perhaps his major handicap. In one of my meetings with him at Raj Bhawan, Srinagar (which were always frank and cordial) he observed that as long as Kashmiri identity existed, Pakistan and America would continue to exploit it. I argued, on the other hand, that if India did not recognize and satisfy the Kashmiri need for an identity, people would look to outside powers for support. In any case, I added, if he succeeded in erasing Kashmiri identity, it would be replaced by a Muslim identity which might be even less manageable.

Though Jagmohan in his letter to *India Today*,²⁹ denied the statement attributed to him (and it is possible that one is not as guarded and sophisticated in one's expression in a private conversation), his well-articulated and elaborate views in his book, hardly create a different impression. He could not inspire confidence among Kashmiri Muslims regarding his respect for a political and constitutional manifestation of Kashmiri identity, the most conspicuous instance was his intention of abrogating Article 370.

No Kashmiri Muslim is known to have believed that the decision to get Article 249 of the Indian constitution extended to the state would strengthen Kashmiri identity in any way. Exercising the powers of the State Constituent Assembly, the Governor had recommended its application to the State to the President. It empowered Parliament to legislate with respect to matters in the State list of subjects. Jagmohan himself acknowledges, "if the present set-up had not been there, much noise would have been made over the extension of Article 249 to the State."³⁰

Similarly when the criteria of job reservation were so changed that the percentage of Muslim candidates selected by the Subordinate Services Recruitment Board was brought down to nearly half, it did not increase the Governor's popularity in the community. In another incident, Qazi Nissar defied his government's order banning the sale of meat on the sacred Hindu day of Janmashtami for the first time in the State by slaughtering a sheep on a street of Anantnag. None of this enhanced respect for the Governor's authority. That Jagmohan either did not understand or believe in the concept of ethnic identities, so basic to modern political thought, is further evident from the way he changed the defini-

tion of a distinct and vital all-Muslim Gujjar community so as to include in it Syeds, Rajputs and Khattris if they could speak Gojri.³¹

It is not the merit of either of these decisions that is being discussed. I am simply trying to illustrate that the manner in which they were taken did not increase the Governor's popularity among the Muslims of Kashmir. As the main opposition leader, Farooq was engaged in protracted and humiliating negotiations with the Congress leaders in Delhi, he did not pay attention to the growing discontent in Kashmir. Militant youths and fundamentalists filled the resultant vacuum. The former came to the streets of Srinagar to protest against what they regarded as less than their due share in service selections while the latter tried to forge a common platform which took the shape of the Muslim United Front. Jagmohan merely assisted the birth of the twin phenomena of youth militancy and fundamentalism.

However, he did earn the gratitude of the people of Jammu, particularly of its non-Muslim majority (as also of Ladakh) for freeing them from forty years of what they called Kashmiri Raj. All the reasons that made him unpopular in Kashmir served to build his popularity in Jammu. In the process, the divergence between the aspirations of the two main regions of the State, was further widened. The Kashmiri leaders were also responsible for this growing gulf. All the chief ministers, who always belonged to Kashmir, irrespective of whether they were in power or not, supported Jammu's demand for regional autonomy in practice. However, when in power they evaded the commitment using one excuse or the other.

THE BJP'S OPPOSITION TO REGIONAL AUTONOMY

One of the major excuses was provided by the BJP and its earlier incarnations of the Jana Sangh and the Praja Parishad which consistently opposed Jammu's demand for regional autonomy. As stated earlier, the Jana Sangh founder Mukherjee, had supported the formula of autonomy of the State under Article 370 and the autonomy of the regions under the State constitution. The Parishad agitation was withdrawn in July 1953 also on the express assurance of the Prime Minister of India and the State Government to grant regional autonomy. According to Balraj Madhok however, the party soon

changed its stand and started opposing the idea of regional autonomy, on a directive from Nagpur (the RSS headquarters). The party vehemently opposed the idea on all occasions, both before the Gajendragadkar Commission and the Sikri Commission, which were appointed to study the problem of regional tensions in 1968 and 1979 respectively. Denouncing the idea of regional autonomy, the working committee of the Bharatiya Jana Sangh said, "it would benefit only the supporters of Sheikh Abdullah and pro-Pakistan elements."³²

It was, therefore, in the interest of the ruling party in Kashmir to have the Sangh or BJP as the main opposition party which could, besides opposing regional autonomy, divert Jammu's discontent into impotent militancy and restrict it within two or three assembly constituencies which were under Sangh control. The Jana Sangh's poor electoral performance can be explained, *inter alia*, by the peculiar demographic composition of Jammu. With over 34 per cent Muslims, 6 per cent Sikhs, 18 per cent scheduled castes, besides other communities and areas beyond the reach of the BJP, its political base is confined to a section of urban caste Hindus who constitute a majority only in a few assembly constituencies. It is no wonder that in the last Lok Sabha poll when the BJP made big strides all over India, it could not get a majority in a single assembly segment in the two Lok Sabha constituencies of Jammu. Kashmiri irredentists too, had a vested interest in keeping alive a strong Hindu communal party in Jammu. It helped them divide the region on communal lines and strengthen their claim to get its three Muslim majority districts merged with the Kashmir region in order to carve out what is called greater Kashmir.

Way back in 1971, Chief Minister G.M. Sadiq confessed to me that it was easy to rule over Jammu as long as the Jana Sangh was the main opposition there. For, while it did not pose a serious electoral challenge to the ruling party in more than two constituencies, it helped in eliminating the challenge of a secular opposition which could jeopardise the prospects of the Congress in all the 32 assembly seats in the region. But he realised rather too late (as he died soon after) the long-term implications of keeping Jammu discontented.

Regional autonomy was also an informal part of the Indira-Abdullah accord. In fact, a five-tier internal constitution of the State, including regional autonomy and devolution of power at district, bloc and panchayat levels, which was drafted by me, was unani-

mously accepted by the J&K State's People's Convention convened by Sheikh Abdullah in 1968. The convention was inaugurated by Jayaprakash Narayan and attended by almost the entire political spectrum of the Kashmir valley. On returning to power in February 1975, Abdullah had on a number of occasions reiterated his resolve to implement the idea of regional autonomy. But he, too, found it convenient to rule over Jammu by sharing a slice of power without responsibility with the Jana Sangh. In an informal arrangement, the party was associated with some administrative decisions and in the distribution of some of their benefits (e.g. seats in technical institutions and quota of jobs). The National Conference and the Jana Sangh also formally shared power in running the Jammu Municipal Council.

The National Conference-Jana Sangh understanding was however no substitute for the fulfilment of regional aspirations. Regional discontent took the form of a mass upsurge of a secular nature, with the demand in 1978-79 for a "statutory, political and democratic set up at regional, district, bloc and panchayat levels".³³ A faction of the Jana Sangh group (at that time a part of the Janata Party) condemned the movement with the remark that even one thousand such agitations could do no harm to Abdullah. Another section of the Jana Sangh that joined the agitation under popular pressure, sabotaged it by giving up the main demand and striking an agreement with Abdullah over the head of the All party Committee which spearheaded the agitation.

Abdullah thus missed an opportunity to reconcile the diverse urges of the three regions and of emerging as the supreme leader of the State. This could have strengthened his hand in defending the autonomy of the State against undue encroachment by the Centre. It was due to this failure on his part, as also on the part of his son and successor, that no tears were shed in Jammu on Farooq's dismissal in July 1984. In fact, the bulk of the support got by his rival G.M. Shah was from the legislators of Jammu and Ladakh. Only nine defectors from his legislative party belonged to the valley. When Farooq returned to power in November 1986, one of his first announcements was to constitute a commission headed by me and including former Cabinet Secretary Nirmal Kumar Mukherjee, political scientist Bashiruddin, jurist Upendra Baxi and regional economics expert K. Mathew Kurien to work out the details of regional autonomy.

However, once the elections were over, Farooq found in the BJP opposition to the idea of autonomy, a convenient plea to wriggle out of his commitment. His failure to revive the traditional National Conference plan of *kashmiriat* to meet the secessionist-fundamentalist challenge in Kashmir can, at least partly, be attributed to his failure to recognize the regional identities of Jammu and Ladakh. For the same reason, he could not take Jammu's support for granted while combatting terrorism in the valley.

There are indeed striking parallels between the way New Delhi ruled over the State, and the way Kashmiri leaders ruled over Jammu. New Delhi failed to realize that Kashmiri identity is a source of strength for the national identity, nor did the Kashmiri leaders realize that a composite and harmonized identity built on the basis of regional characteristics was the surest guarantee of the overall Kashmiri identity. The unitary constitution imposed on the State within a federal India is an anomaly and has a built-in provision for tensions of various kinds common to all such constitutions in pluralist societies.

Just as discontent against the Central Government in Kashmir often becomes anti-Indian (which happens in varying degrees in certain border states), similarly discontent against the State Government in Jammu often tends to become anti-Kashmiri and at times anti-Muslim both in Jammu and Ladakh. Most of the complications in the relations between the Centre and the State, and between Kashmir and the rest of India can be traced to the unreconciled and divergent regional aspirations within the State. Reviewing my book, *Jammu: A Clue to Kashmir Tangle*, (1966) *The Times*, London, had pertinently observed:

Mr. Puri argues with justice that until Jammu and Kashmir draw closer, settle their differences and agree to operate as equal partners, there will never be a stable basis upon which relations with (the rest of) India can be satisfactorily settled.

However, note must also be taken of the positive role played by the leaders of a vital section of the population in Jammu in its attempts at building a geo-political bridge between Kashmir and the rest of India as well as in contributing towards a reconciliation of the mutually conflicting national, Kashmiri and Jammu identities.

TRACTS FOR THE TIMES

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