

ON October 27, 1947 after months of indecision, the Maharaja of Kashmir signed an Instrument of Accession with the dominion of India. By that time, the existence of the state of Jammu and Kashmir was threatened by army revolt, communal violence and the plundering march of the Pakistan sponsored 'tribal invaders'.

When the Indian army was rushed to the aid of the people of Kashmir they "welcomed the army as the defenders of their 'honour, freedom and identity.'" "The Kashmir] leadership defended their decision to accede to India with the refrain that "India has come to defend our *azadi* while Pakistan tried to enslave us." Between 1947 and 1993 much has changed in Kashmir but not the urge for *azadi*.

"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."

What brought about the total alienation of Kashmir! Muslims by 1990? How did the successive governments in New Delhi and the Kashmir leadership jointly manage to turn 'the greatest triumph of Indian Nationalism after Independence' into a human tragedy?

Balraj Puri, who has been closely involved in the complex problems of Jammu and Kashmir, deals with these and many related questions in this tract.

According to Puri 'the spirit of *Kashmiriat* is crucial to any understanding of the Kashmir problem. The terrain fosters a division of the state into the three regions of Jammu, Kashmir and Ladakh. With its heterogeneous population "the uniqueness of Kashmir goes back five thousand years to prevedic times."

Books

Kashmir: Towards Insurgency

Balraj Puri

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Review: Tridip Suvrud

This region has assimilated new ideas and cultures, enriching them and itself in the process, "the cull of Buddha. The teachings of *vcedanta*, the mysticism of Islam have one after another found a congenial home in Kashmir." It is a region where different peoples have merged their identities into one whole.

The Kashmiri language—which is neither Iranian nor Indo-Aryan—is the basis for one distinct personality of Kashmir. Another crucial factor is the notion of 'outsider'. Before its annexation into the Mughal empire by Akbar in 1586 the region was ruled by Kashmiris. This annexation inaugurated 361 years of "alien" rule, Muslim and non-Muslim. This period is regarded by the Kashmiris as a 'period of slavery'. Therefore Puri concludes that "The watershed in the history of Kashmir is thus not Islam but the changeover from Kashmiri to a non-Kashmiri rule."

On the eve of Independence, the region was ruled by Maharaja Hari Singh. He had refused to join the constituent Assembly of India and expressed the desire to create an independent Kashmir. This sentiment was echoed by both the Muslim and Hindu leadership of Kashmir. The All Jammu and Kashmir Muslim Conference had requested the Maharaja to declare Kashmir's independence and become its first constitutional ruler. The Hindu leadership of Jammu had "vociferously argued that a Hindu state, as Jammu and Kashmir claimed

to be, should not merge its identity with a secular India." The population was divided in their loyalty to the Maharaja and to India. "All those who raised pro-India voices... were condemned as anti-Hindu and traitors." The force of circumstances compelled the Maharaja to sign the Instrument of Accession. Prior to that the situation in the region had reportedly allowed Jinnah to boast that "Kashmir is in my pocket."

According to Puri. "one major factor that prevented this eventuality was the response of the people and the leaders of the Kashmir valley to the question of accession." Even after the formal accession, uncertainty remained over the final status of the state for three reasons:

First, the accession was subject to a referendum. The Congress party, which had upheld the principle that 'sovereignty belonged to the people and not to the state' was morally bound to a plebiscite; moreover, the principle of holding a referendum had to be accepted as accession of the three vital states of Hyderabad, Junagadh and Kashmir was dependent on this acceptance.

Second, the issue was internationalised, as India approached the UN Security Council and the United Nations Commission for India and Pakistan (UNCIP) was formed.

Third, a war had to be fought to clear the area of invaders. Before the acceptance of the UN mediated cease-fire line on January 1, 1949 Indian armed forces had 'liberated' the valley

from invaders. Puri attributes this success to the topography of the valley, as well as the co-operation of the people and the organised cadre of the National Conference (NC). He is doubtful whether the army would have met with similar success in the areas beyond the cease-fire line which have a hilly terrain and are inhabited by the hostile Pathoari community. For Puri 'Azad Kashmir' and "Pakistan Occupied Kashmir" (POK), as the region beyond the cease-fire line is called by Pakistan and India respectively, are both misnomers: "the cease-fire line in the Kashmir region follows a well defined ethnic and cultural divide between Kashmiri and non-Kashmiri peoples. In the Pakistan held part of the State people cannot be culturally identified as Kashmiris," The cease-fire line also served another purpose. "It consolidated and

crystallised Kashmiri identity." Neither the government of India nor the NC has made any serious attempt to get back the area.

Despite the formal accession, in the early stages the relationship of the state to India remained unstable. Interpretation of the terms of the Instrument of Accession proved contentious, the Kashmiri leadership treating it literally and the government of India tending to regard the instrument as a provisional formality. This led to a confrontation between the Sheikh Abdullah led NC and the Government of India.

Meanwhile, with the annexation of Hyderabad and Junagadh "any special consideration for the aspirations of the people of Kashmir lost its pragmatic compulsion." The state government was pressured to grant more powers to the Centre. As a

result of an understanding between the state and the central government- a 'transitional and provisional' Article 370 was incorporated into the Indian Constitution, giving special constitutional status to the state of Jammu and Kashmir.

This "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.... 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."

Despite this, the pressure to adopt more provisions of the Indian Constitution continued. In 1952, the two sides entered into the "Delhi



CRPF jawans carrying out a search of youths in Habakadal locality of downtown Srinagar, supposedly a stronghold of JKLF militants

Agreement' whereby the union flag was given primacy, fundamental rights were made applicable to Jammu and Kashmir and the jurisdiction of the Supreme Court was extended to the state.

Discontent within the state was simmering. The centre of power shifted from the Jammu based ruler to Kashmiri leadership. The NC under Abdullah became a monolithic party with a three pronged programme: one leader (Abdullah); one party (NC) and one programme (New Kashmir). Powerful and charismatic Abdullah became the supreme leader of the valley as the distinctions between party and administration got blurred.

Periodically lip service was paid to the idea of regional autonomy to quell discontent in Jammu and Ladakh. For a variety of reasons the relationship between Abdullah and Nehru reached a new low. In August 1953, the Abdullah government was dismissed and Sheikh Abdullah was put under detention for an indefinite period.

The government of India evaded its earlier commitment to a plebiscite. Many arguments were advanced in defence of this stand, but one reason was unstated: "the Government of India was no longer confident of winning it." This issue is today used by militants to legitimise their stand. Abdullah was released in 1964 but Nehru's death before any constructive steps could be taken prevented a real turnaround. In 1964, Articles 356/357 of the Constitution were made applicable to Jammu and Kashmir and the nomenclature of the heads of the state and the government were changed to conform to the uniform pattern in the country. Abdullah was rearrested in 1965 and Pakistan waged a war to 'liberate' Kashmir without success. Another agreement in 1974 secured the release of Sheikh Abdullah and paved the way for his

return to power. Despite many lapses, Abdullah maintained a firm grip over the Kashmiri mind. The victory of the NC in by far the fairest assembly elections of 1977 and 1983 further legitimised the accord; this acted as an integrationist force.

"The Kashmir problem appeared resolved and, for the first time it was no longer on international agenda of disputes... It required extraordinary genius to recreate the Kashmir problem. Those who decided to dismiss the government of Farooq Abdullah on 2 July, 1984 succeeded in sowing afresh the seeds of the problem... The charge against Farooq was that he was 'hobnobbing' with the opposition parties."

The Shah regime which was installed in its place was dismissed with equal arbitrariness. Farooq was allowed to return to power in 1986 when he agreed to share power with the Congress. These decisions reduced all norms of a democratic polity to a dumb charade, which was played according to the whims of the Delhi-based powers.

Puri maintains that "little has been done to make the state in general, and Kashmir in particular, an integral part of the Indian democracy ... there has been a persistent policy of denying Kashmir a right to democracy: one-party rule has been imposed on the state through manipulation of elections, opposition parties have been prevented from growing and elementary civil liberties and human rights have been refused to the people. This refusal to integrate Kashmir within the framework of Indian democracy has proved to be the greatest block to the process of Kashmir's emotional and political integration with the rest of India."

The insensitive mishandling of Kashmir continued. The first 'anti-India' demonstrations were held in 1988. Militants gained further ground

and some degree of legitimacy with the abduction of Dr Rubaiya Sayeed and the resultant understanding with the National Front government for her release.

The appointment of Jagmohan as the governor of the state and the resignation of Farooq "marked a major watershed in the triumphant march of militancy in Kashmir." What was earlier a fight between militants and security forces, gradually assumed the form of a total insurgency of the entire population of the valley. The government reacted to this upsurge by further repressions which naturally proved counter-productive. The demands for *Azad Kashmir* or annexation to Pakistan surfaced again and this time more violently and with a greater support base.

To this ongoing tragedy of Kashmir, another dimension was added during this phase. The Kashmiri Pandits, so far an integral part of the culture of the valley, began to feel insecure as attacks on their life and property began. The traditional 'spirit of Kashmiriat' was no longer visible. Almost the entire Kashmiri Pandit community migrated from the valley and became refugees. This multiplied the human tragedy of Kashmir manifold.

"Today, militancy has become an alternative form of dialogue. Dialogue *per se* has collapsed all along the line." But, all is not lost, according to Puri. There is a need to recognise that both militancy and state repression has limits.

Terrorism is not the result of economic or administrative failures. The basic failure, according to Puri, is the constant manipulation and denial of the legitimate political aspirations of the people of the region. It was the Kashmiri aspiration for identity and freedom that had motivated them to join the Indian Union. If this is not recognised "the very existence of India as a civilized entity will be gravely threatened." □