BALRAJ PURI

KASHMIR
TOWARDS INSURGENCY

TRACTS FOR THE TIMES/4

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ERRATA

p. 18, lines 37 & 38 : *for* the State *read* Kashmir

p. 40, line 15 : *for* Kashmir *read* State

p. 47, line 31 : *for* C.P. Saraf *read* O.P. Saraf

p. 68, line 22 : *for* Kashmiri Hindu identity *read* Hindu identity

p. 75, line 21 : *for* V.M. Parkinde *read* V.M. Tarkunde

p. 84, line 15 : *for sentences* Similarly, the emotional bond ... Government of India *and* This policy ... accord of 1974 *read as under*:
Similarly, the emotional bond between the State and the Centre, ruptured by the so-called nationalist policy based on repression and corruption, was repaired by Jayaprakash Narayan's moral offensive and formalized in the Indira-Abdullah accord of 1974.

p. 85, line 32 : *for* Kashmiri was not a recognized constitutional language *read* Neither did Kashmiri get its due as a recognized constitutional language

KASHMIR: TOWARDS INSURGENCY

Balraj Puri is a journalist, columnist and social activist, primarily in the Jammu and Kashmir state. As a leader of the regional autonomy movement in Jammu, he has been an ardent exponent of its aspirations for identity and autonomy. On several occasions he has acted as a rare common bridge between the diverse religious and regional groups as well as between the State and the Centre. Balraj Puri's intense and close involvement in the complex problems of Jammu and Kashmir is widely acknowledged. His publications include *Jammu and Kashmir: Triumph and Tragedy of Indian Federalisation*, 1981; *Jammu—A Clue to Kashmir Tangle*, 1983; and *Communalism in Kashmir*, 1989.

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Editorial Preface

TRACTS FOR THE TIMES will attempt to provide meaningful information, critical perspectives, and theoretical reflections on various themes of contemporary concern. The tracts will seek to deepen our knowledge of crucial issues, query our common sense, re-think old concepts, and analyse the social and economic problems we confront.

The argument of this tract on Kashmir is developed around two central themes—autonomy and democracy. It argues passionately for the need to recognize the legitimacy of regional identities. The bonds between a region and the nation can be built on stronger grounds within a political culture which is sensitive to the democratic aspirations of people of different regions. In the early years after independence, the nationalist leadership was committed to a certain notion of regional autonomy within the framework of the nation state. In subsequent decades this idea was gradually thrown overboard. This led to a growing feeling of alienation and anger in Kashmir. When national and regional interests were presented as incompatible, the nation itself appeared opposed to the region. The reluctance of the Centre to concede any autonomy to Kashmir was matched by the refusal of the Kashmir leadership to allow Jammu any right to autonomy within the State. This created a tension between the different regions within the State and eroded the basis of a composite Kashmiri identity.

The question of autonomy is linked to the issue of democracy. Puri shows that democratic institutions were never allowed to acquire roots in Kashmir. National leaders from Nehru to Jayaprakash Narayan agreed to one party rule in Kashmir.

Democratically elected leaders of the region were removed through central intervention, and democratic movements were repressed. It seemed as if in the case of Kashmir, democracy and nationalism were incompatible, as if the imperative of national integration allowed no possibility of any experiment in democracy. Democracy in Kashmir was projected as an impossible option, and demands for democracy were censored as anti-national. This denial of democratic rights deepened the alienation of the Kashmiri people. Terrorist and secessionist forces played on this sense of alienation.

Puri traces the story from 1947 when the princely state of Jammu and Kashmir acceded to India. The Maharaja of the State agreed to the accession after considerable vacillation. Supported by the All Jammu and Kashmir Rajya Hindu Sabha, he was initially in favour of a Hindu state independent of secular India, and then toyed with the idea of accession to Pakistan. Once the accession with India was formalised, the Government of India wanted it approved through a referendum. At this time the Congress was committed to the idea of plebiscite and confident of winning it. By 1953 this confidence had evaporated. Sheikh Abdullah was placed under indefinite detention and the question of plebiscite became a matter of prolonged debate. Puri unravels the complex process through which the emotional ties between Kashmir and the rest of India were subsequently ruptured, the basis of secular and democratic politics in Kashmir was weakened, the legitimacy of the Indian state was destroyed, and terrorism gained ground. The tract ends with reflections on the logic of terrorism, secessionism and communalism in Kashmir.

The implication of Puri's analysis are clear. Continued state repression will only widen the popular support of militant groups. Unless democratic processes are reintroduced and democratic groups have a space to operate, terrorism cannot be marginalized and contained. Unless the ties between the Kashmiri people and the rest of India are re-established, the region cannot be emotionally integrated to the nation. This cannot be done through a policy of pragmatic concessions. Nor through state initiative alone. The Kashmir problem is intimately linked to the way the entire nation sees the region, its politics and its people. There is a need to understand the democratic aspirations of the people and open our minds to the possibility of regional autonomy within a federated structure.

NEELADRI BHATTACHARYA

1

Introduction

This tract is an attempt at understanding the insurgency in the Kashmir valley—one of the three regions within the State of Jammu and Kashmir. This insurgency had simmered for a few years before it exploded fully in the beginning of 1990. Its causes are immediate as well as long-term, and must take into account some unique features of the Kashmiri personality. The developments in the other two regions of the state, namely Jammu and Ladakh, also have a vital bearing on the Kashmir problem.

At the time of partition in 1947, the Hindu Maharaja of the state was, for his own reasons, reluctant to accede to the Indian Union and a little over 20 per cent of the Hindu population of the State was divided in its loyalty to the Maharaja and to India. It was the Kashmiri Muslim leadership that favoured accession to India.

Why did the Kashmiri Muslims and their leaders defy the then-prevailing pro-Pakistan Muslim wave when almost the entire subcontinent had been polarized on communal lines? Why did disillusionment set in by 1953 when Indian secularism had registered a decisive triumph over communal forces? Why was Sheikh Abdullah, the hero of Kashmiri nationalism and chief architect of the State's accession to India then dismissed from power and imprisoned? Why did he again sign an accord with India's Prime Minister Indira Gandhi, thus reconciling to Kashmir being a part of India, and still return to power in 1975, without losing much of his popular support? Why were secessionist and fundamentalist voices almost silent for the next twelve years or so? What brought about the total alienation of Kashmiri Muslims by 1990? Why did

Kashmiri Hindus migrate practically en masse from the valley which was till then considered a model of communal harmony for the whole country? Why did non-Kashmiri Muslims who had been the least enthusiastic about accession to India in 1947 remain, by and large, uninvolved in the ongoing secessionist insurgency in the Kashmir valley? How did thousands of youth of a community, always ridiculed for its "docile" and "cowardly" nature take to arms and successfully offer resistance to the might of the Indian State with a desperation that has few parallels in the country? And how do we account for the fact that in spite of the militants' total dependence on Pakistan for the supply of arms and training as also officially acknowledged moral, political and diplomatic support, the predominant battle cry in Kashmir is *'azadi'* (freedom) and not a merger with Pakistan?

These and other related questions may become less baffling if certain elementary facts of the situation are recognized and accepted. Kashmiri Muslims, for instance, are Kashmiris as well as Muslims. The apparent fluctuations in their mood represent their response to varying forms of threat they perceive to their identity. They have been most consistent in their urge to defend their identity, regardless of the source of threat. The urge to become a martial community, was also provoked by continuous taunts about their non-violent character.

Jammu is not an exclusively Hindu region. Nor are Hindus always exclusively motivated by Hindu sentiments. 34 per cent Muslims, 6 per cent Sikhs and 18 per cent scheduled castes along with caste Hindus also have regional aspirations which were sharpened after the transfer of power from a Jammu-based ruler to a Kashmir-based leadership. Again, the population of Ladakh is almost evenly divided between Buddhists and Muslims (52:48) who have dual identity i.e. religious as well as regional. It is an extremely complex interplay of religious and ethnic factors, inter-regional relations and national and subcontinental developments that have impacted on and influenced the Kashmiri mind which in turn is a product of a peculiar history, geography and culture of the valley.

A study of such bewildering complexity is indeed a daunting task. But if ignorance is compounded by prejudice, it further blurs the vision of the observer. To those who are used to viewing every political development from an exclusively Hindu-Muslim angle, the wide ethnic spectrum of the State would appear in black and white

colours alone. Some writers on Kashmir have also been reluctant to face up to the more unpleasant aspects of the reality. It is also considered unpatriotic to question the fairness of the elections in the State or comment on violations of human rights by the security forces. The Kashmir policy of the country is thus based on ignorance or only a partial knowledge of the facts and any debate on it generates more heat than light.

The present tract will have its own inadequacies. But it endeavours to present a faithful account of my observations on Jammu and Kashmir, a state which has been my field of activity and study since 1942. I have had the opportunity of being closely connected with practically every important development in this state and its dramatis personae as also with those who were concerned with the Kashmir policy at the national level. I have not hesitated to express my own definite views on events, but I have made an earnest attempt to respect facts and other viewpoints.

Kashmir is much more than a dispute over real estate, a matter of national prestige, or a threat to Indian secularism. If the nation continues to remain desensitized to the human tragedy that is Kashmir, with lakhs of persons becoming refugees in their own country and the mounting toll of precious human lives which, according to an official estimate exceeded five thousand between 1990 and 1992, then the very existence of India as a civilized entity will be gravely threatened. There is an urgent need for a better understanding of the problem and an uninhibited and informed debate over it. This tract is a passionate plea in that direction.

2

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 acceeding 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 enquiry[16] 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 acede to India. But this mesage 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.

3

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 Pakinstan-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 Khruschev 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 initative 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: Britan, 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.

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]

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 concurrrence 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 Jaṃmu 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 setup 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 Khatris 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 constitutencies, 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.

NOTES

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9. *Constitution of India*, Article 370.
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12. *Ranbir* Jammu, 17 August 1949.
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26. DAVP, Ministrty of Information and Broadcasting, Government of India, New Delhi, 1975.
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28. For full report of the peace campaign in the valley, see *The Times of India*, New Delhi, 14 April 1986.
29. *India Today*, 15 September 1991.
30. Jagmohan, *op cit*, p. 351.
31. Government order No. DAP/ G & N/30 (a) 82-83.
32. Quoted in Balraj Puri, *Simmering Volcano*, 1983, p. 43.
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5

Beyond Democracy

The lack of non-terrorist and non-secessionist outlets of popular discontent contributes a great deal to the terrorist-secessionist tendencies in Kashmir. Little has been done to make the State in general, and Kashmir in particular, an integral part of Indian democracy although much energy has been spent on its constitutional integration with the rest of India.

The democratic ideals of the freedom movement in India had inspired and influenced the people in the valley to support the struggle of the people of the princely states for a responsible government. However, these very ideals remained elusive after the State acceded to the Indian Union. Socio-cultural factors and the character of local leadership have no doubt, played their part in inhibiting the growth of a democratic system in the State. But it was also a deliberate national policy to represent national interest as more important than democracy—the two being often projected as mutually incompatible.

AUTHORITARIANISM AND REGIMENTATION

The homogeneity of the valley's population, their long history of struggle against outside rulers and a consequent psychology of siege, the consensual nature of its society and lack of a strong middle class favoured the emergence of a powerful, charismatic leader. Sheikh Abdullah became the supreme leader of the valley because of certain qualities in his own personality, as much as to the social

background. He symbolised not only the political aspirations of his people but also their socio-cultural make up. He was the supreme leader of the National Conference and an unrivalled master of the political scene. As life president of the Auqaf trust he controlled most of the mosques and *ziarats* in Kashmir. The sacred shrine of Hazratbal in Srinagar from where he launched his offensive against the Muslim League and its theory of two nations became the political, religious and emotional centre of Kashmiri life. One-leader (Abdullah), one-party (National Conference) and one-programme (New Kashmir) were the basic doctrines of the freedom movement in Kashmir.

Kashmir thus became a monolithic society led by an authoritarian leader who did not tolerate the slightest dissent. When Abdullah took over as Head of the Emergency Administration on 27 October 1947, the Maharaja's administration had almost completely broken down. His party filled the administrative vacuum. The National Conference workers not only manned the 23-member Emergency Council, but were also appointed government officials. Many government officials also held positions in the party. The State was still governed by the J&K Constitution Act of 1935 which had no provision for an emergency administration. The Abdullah administration functioned arbitrarily and without any defined constitutional powers—party workers assumed the de facto authority to arrest and punish whoever they held guilty. With unchecked political power and controlled administration, Abdullah was able to further regiment all aspects of Kashmiri life.

As a member of the National Conference, I had raised the issue of the separation of the party from the administration in the party forum. Abdullah however rejected my demand and argued that he would not repeat the experiment undertaken in the rest of India. Being under the influence of the communists in those days, some of whom held positions in the National Conference, he preferred the Soviet model in which the party controlled every branch of the administration.

I also drew Prime Minister Nehru's attention to the implication of this kind of regimentation of the State set up. As a glaring illustration, I showed him a copy of a letter of the Wazir Wazarat (as the Deputy Commissioner was then called) of Doda district, who was also the president of the district unit of the National Conference. He had, after visiting Kishtwar, ordered the expulsion of

the office-bearers of the local National Conference, (vide his order No.HC 989, dated 24 November 1948) allegedly "for their anti-government and anti-national activities," and appointed new office-bearers in their place. Copies of the order were sent to the prime minister of the State and the general secretary of the party.

In a written note personally submitted to Nehru, I had warned that "identification of the government with the National Conference would lead to the setting up of a totalitarian regime." A few years later during the Nehru-Abdullah talks on Centre-State relations in July 1952, I submitted a memorandum to Prime Minister Nehru in which I again pleaded for "democratisation of the political structure of the State, safeguarding of the democratic rights of the people, ensuring of the freedom of the judiciary, making the administration completely neutral as regards political activities and distinctly separate from the National Conference."

The attempt to impose a monolithic political system which had evolved under the special circumstances in the valley, on the Jammu and Ladakh regions provoked stiff resistance and became an additional cause of regional tension. The National Conference had neither the requisite organizational network in these areas, nor the ideological equipment to represent the aspirations. It ruled over the State without any constitutional checks and balances, without an assembly or an opposition party (particularly in the valley). It had no accountability either. At many levels and in varying degrees, the party cadres misused the absolute power they had acquired and this caused their moral decline. In the absence of any democratic and secular outlet, the discontent of the people sowed the first seeds of secession.

In the Constituent Assembly in 1951, the National Conference won all the 75 seats. Nobody dared to file a nomination paper in the valley. The nomination papers of the opposition, mainly candidates of the Praja Parishad in Jammu, were rejected outright on flimsy grounds. There was a nominal contest for only two seats.

Gradually the number of contestants increased. In the assembly elections of 1957, the contest extended to 32 seats. It rose to 41 in 1962, but were mostly confined to the Jammu region where elections were comparatively free as they could not be regimented like those in Kashmir. In the elections of 1967, the rejection of 118 nomination papers of the opposition candidates (including covering candidates) materially affected 39 out of 75 assembly con-

stituencies, and ensured the unopposed return of Congress candidates in 22 out of 42 constituencies in the valley.

It is by now universally recognized that the elections in the State were usually manipulated, though the degree and technique of manipulation varied from election to election. Nevertheless, India's case on Kashmir increasingly depended, in the Security Council and other international forums particularly after 1957, on the endorsement of the Instrument of Accession by the election results. It was therefore considered less than patriotic to challenge the fairness of the elections or insist on their fairness. For wasn't national interest more important than democracy?

An accompanying factor that affected the smooth functioning of democracy and the politics of the State was the widely-held belief in the country, that all secular and so-called pro-India forces should always unite under the banner of a single party. At any rate, there was no question of an opposition party in the valley. This was not the view of the ruling party alone but also of the non-government intelligentsia and the political pundits in the country.

DEMOCRACY AND NATIONALISM: INCOMPATIBLE OPTIONS?

There is, on the other hand, ample empirical evidence, aside from theoretical arguments, to suggest that whenever a two-party-system managed to function despite disapproval by the governments of the Centre and the State, it acted as an integrating influence and undermined communal and secessionist forces.

The first fissures in the monolithic politics of Kashmir and the leadership of the regimented National Conference occurred when Gulam Mohiuddin Karra parted company with Sheikh Abdullah in 1948. Karra was a legendary underground hero of the Quit Kashmir Movement and generally acknowledged as the number two leader of the party. But in order to cut him to size, Abdullah offered the number two position of deputy prime minister and vice-president of the party to Bakshi Ghulam Mohammad.

In view of the importance of Karra's personality and his well-known deep secular convictions, I pleaded with Nehru that his loyalty to the country need not be routed through Abdullah and that his democratic right to oppose the State government should be recognized. Nehru agreed on the theoretical soundness of my ar-

gument but maintained that India's Kashmir policy revolved around the personality of Abdullah and therefore nothing should be done to weaken him. I had a similar response from Jayaprakash Narayan, then leader of the Socialist Party. He too disapproved of the idea of an opposition party within the State as long as it remained a subject of international dispute.

In the absence of any moral and political support from outside the State, the dissent led by Karra was suppressed for the time-being. But after remaining in the wilderness for five years, it resurfaced in June 1953, now in the guise of a nucleus of the first pro-Pakistan opposition party in Kashmir, called the Political Conference. It succeeded in disturbing the equilibrium of Abdullah who, in order to steal the thunder of the new challenge, started making anti-Centre noises. Karra continued to swear by Gandhian values and on subsequent occasions proved his secular credentials by leading some agitations, such as the one over the theft of a holy relic from the Hazratbal in December 1963. Had he been allowed to play his due role within the national framework, he could perhaps have diverted the emerging discontent in the valley successfully through a secular and nationalist channel.

After August 1953, when Kashmir was seething with anger over the manner in which popular hero Sheikh Abdullah was deposed and imprisoned, I met Nehru and argued, through a written note, that "formation of a pro-India democratic opposition on an all State basis would provide a healthy outlet to the mass discontent which otherwise is being compelled to find violent or communalistic outlets. A pro-India party, by providing a proper channel to anti-government sentiments, would prevent them from becoming anti-India and can play as much part in bringing Kashmir closer to the rest of India as does the ruling party." Nehru warned me against being too idealistic and asserted that national interest was more important than democracy. He conceded that Bakshi used unscrupulous methods, but argued that India's case in Kashmir now revolved around him, and despite all its shortcomings the Bakshi government had to be strengthened. He added, "We have gambled at the international stage on Kashmir, we cannot afford to lose it. At the moment, we are there at the point of the bayonet. Till things improve, democracy and morality can wait."

I explained that my arguments were not based on idealistic and moralist principles alone. I wanted to draw a distinction between

anti-government and anti-India sentiments and to emphasise the need to divert the latter into the former. Why should the loyalty of the Kashmiris to the country be routed through Bakshi, as it used to be earlier through the Sheikh, I asked. The politics of Kashmir, Nehru replied, revolved around personalities. There was no material for democracy there. In any case whatever the advantages of my proposal, they were outweighed by the risks involved in overthrowing the Bakshi government. "We might lose Rs. 10 for trying to gain annas four," he concluded. My final argument that the role I aspired to play would supplement his gain of ten rupees by four annas apparently did not convince him.

I was able to persuade Asoka Mehta, the then president of the PSP to extend its activities to the State. But Nehru dissuaded some stalwarts of the Kashmir freedom movement like Maulana Mohammed Saeed Massoodi and Chaudary Mohammed Shaffi, both MPs at that time, from joining the PSP. Most of us including Asoka Mehta were physically beaten up when we went to Srinagar to inaugurate a branch of the party in November 1954. The activities of the party were suppressed all over the state through sheer *goondaism.* To prevent public sympathy for the state unit of the party from growing in the rest of the country, Nehru accused the PSP of "joining hands with the enemies of the country", and to add emphasis, said, "in fact more than enemies of the country."

The first experiment of a nationalist opposition party was thus crushed. However, in 1962, Nehru changed his attitude and suggested to me that the PSP should contest the assembly elections in Kashmir as India was earning a bad reputation in the world for its unopposed elections. He conceded, of course, too late, that if the PSP had become powerful there, it would have served the national interest. We contested one seat in Amirakadal in Srinagar with an outside candidate, C.P. Saraf, and a handful of party workers from Jammu. For the regimented set-up that Bakshi had inherited and perfected with a much higher degree of State terror and corruption prevented any Kashmiri from expressing his opposition openly. As expected, the PSP candidate was defeated, but the contest attained its objective of creating a thaw in the political structure of Kashmir as well as drawing a distinction in a limited way between loyalty to the government and loyalty to the country.

In 1958, another experiment in opposition politics was made when G.M. Sadiq led his leftist group out of the National Con-

ference to form the Democratic National Conference. The new party inspired new political talents, and made its own contribution towards secularization and democratization of the politics of the State by exposing the corrupt and repressive acts of the Bakshi regime. A number of foreign journalists observed that the Bakshi-Sadiq rift had made a considerable dent in the formidable following of the Plebiscite Front led by Abdullah. But the national leaders and the press were alarmed over the "disunity in the ranks of the nationalist forces". The two parties were thus pressurized to reunite in 1961 and the event was hailed by political pundits as a triumph of national interest. *The Hindu* complimented Sadiq for being able to see the futility of an internecine strife and argued that "a stray victory of the DNC in the coming elections would have been interpreted as demonstration of anti-India feeling."[1] *The Indian Express* observed, that the "function of an opposition party can be little more than academic in a State whose main task is to fight economic backwardness and age-old poverty."[2] *The Hindustan Times* justified the one-party system in Kashmir on grounds of security.[3] According to the *Hindustan Standard* those who did not hail the dissolution of the DNC were "fostering narrow, parochial and fissiparous tendencies."[4]

In 1967, Bakshi revived the National Conference when the ruling official group led by Sadiq was converted into the Pradesh Congress Committee. On account of Bakshi's organizational skill and the emotional appeal of a regional party on the one hand and the unpopular integrationist measures by Sadiq on the other, Bakshi gathered sufficient mass support and posed a serious challenge to the ruling party. In spite of the large scale rejection of the nomination papers of his party, detection of duplicate votes and other malpractices, Bakshi was elected to the Lok Sabha from Srinagar. Eight members of his party were elected to the State assembly from the valley.

Although Bakshi had several weaknesses, even his worst enemies never doubted his patriotism. But as a part of the Sarvodaya observers team deputed by Jayaprakash Narayan, we met several officers of the State who told us that Bakshi had to be defeated in the national interest. Prime Minister Indira Gandhi, publicly stated in her election tour that there was no need for an opposition party in Kashmir. When I drew her attention and that of the leaders of the principal opposition parties to the implications of her statement,

the latter protested. But Mrs Gandhi clarified that she had merely expressed her fear that the opposition in Kashmir was likely to go astray. The administration however, got the signal to cut the opposition to size.

When I showed the Chief Election Commissioner, K. Sundram, a bundle of duplicate ballot papers he argued that Bakshi also used to do the same. To this I retorted that I was not representing Bakshi's case but rather that of the citizens of the State who had been deprived of their democratic rights by Bakshi as well as by Sadiq. Instead of taking cognizance of my complaint, Sundram threatened to take action. He said that it was illegal to possess ballot papers. Obviously he too believed that "the national interest" was more important than the demands of democracy and his office. It is in this context that I wrote in March 1967: "If the people of Kashmir get the impression that even in limited and safe choices, they cannot be trusted, no outside propaganda would be needed to undermine their loyalty. If badges of patriotism are issued to only those who do not cry for fair elections, how many honourable men and women would like to wear them?"[5]

An excellent opportunity to channelize the politics of the state into secular and nationalist lines, cutting across communal and regional barriers, was again squandered when Bakshi was readmitted into the Congress. And once again the entire national press welcomed the event as a "consolidation of the nationalist forces."

In 1972, for the first time after his dismissal from power in 1953, Sheikh Abdullah decided to take part in the elections to the State assembly, and he indicated his willingness for a dialogue with the prime minister for a settlement of the Kashmir dispute. But his entry to the State, along with that of his wife and Mirza Mohammed Afzal Beg, was banned, and the Plebiscite Front was declared unlawful. In fact its members were also debarred from taking part in elections. Sayed Mir Qasim, chief minister at the time, admits in his autobiography that to frustrate further attempts by any group with support from Abdullah, to contest the Congress, they enlisted the services of the Jamait-i-Islami to fill the vacant political space, and allegedly guaranteed its success in five constituencies. It was the first occasion when the Jamait received constitutional recognition and political legitimacy in Kashmir.

1977 was an unusual year in the politics of the State. On 30 June that year the fairest ever elections took place in the State. The Janata

Party leader and prime minister, Morarji Desai decided on election against the advice of his cabinet colleagues. The Janata party mobilized all anti-Abdullah elements under one banner with the result that the politics of the State was now polarized around two parties, the National Conference and the Janata Party; both secular and nationalist. The division made all secessionist and communal forces redundant.

The election results were stunning. The Janata Party won only two out of 42 seats in the valley. This rout of the ruling national party by the regional party was a unique and thrilling experience for the people. It made them realize, for the first time, the potentialities of being a citizen of India. The synonymity, firmly established so far between loyalty to India and to the Government of India was thus broken. A proud Kashmiri could now also be a proud Indian. The year 1977 as such marked a major breakthrough in the politics of the State and in its emotional integration with the rest of India. Its impact continued for almost a decade when communal and secessionist voices remained quiet till new forces took over to reverse the process.

THE LOGIC OF ALIENATION

After the collapse of the Janata Party at the national level, the role of a much needed opposition in the State fell to the Congress. In the assembly elections of June 1983, it emerged as the principal opposition party. It was thus the best organized and the most vocal channel for the expression of the people's dissatisfaction against the State Government. On 14 January 1984, six Congressmen sacrificed their lives to the cause of the party when a militant party demonstration clashed with the police. The party showed remarkable determination and promised to capitalize on the acts of omission of the post-Abdullah government led by his inexperienced son. In this context Indira Gandhi asserted, "the Congress (I) has emerged as a party full of vigour and enthusiasm. It has become a strong fighting arm of the national organization. Thus it has strengthened the cause of secular and democratic forces in J & K."[6]

But the Congress party cut short its promising role when it engineered defections to impose G.M. Shah's government on the State. It did not remain as the opposition party nor did it become

the ruling party. The decision to dismiss a duly elected government and impose an unpopular government on the State was tantamount to expelling the State out of the boundaries of Indian democracy that it had entered in 1977. The parliamentary elections in December 1984 indicated a precipitous fall in the electoral support of the Congress since the assembly poll a year and a half ago. After the landslide victory of the Congress party in the country in the parliamentary elections of December 1984, Farooq Abdullah gave up his role as an opposition leader and offered unconditional support to Prime Minister Rajiv Gandhi. His failure to express the popular anger that had built up in Kashmir against his own dismissal earlier allowed this anger to be mobilized by fundamentalist forces. Farooq Abdullah thus betrayed his people and the cause of democracy.

Another major milestone in the process of alienation of the Muslims of Kashmir was the Rajiv-Farooq Accord leading to the formation of the National Conference-Congress coalition government on 7 November 1986. The accord was defended by the two parties mainly on the ground that it would ensure a larger inflow of central funds to the State. The argument implied that central aid was given on narrow political considerations. It was as if the party in power at the Centre had a right to buy a share in the political power of a state by promising aid. The people of Kashmir, as a self-respecting lot, had repeatedly rebuffed attempts of earlier governments to buy over their loyalty. Their reaction this time was no different.

Farooq said more explicitly: "any one who wants to form a government in Kashmir cannot do so without sharing power with New Delhi."[7] The people's support did not matter much, he added. As usual the press and the political commentators of the country supported the accord with similar arguments and welcomed it for uniting the secular nationalist parties of the State. J.D. Sethi (no part of the establishment at that time) theorized the accord by a general statement that the Centre should share power in all the border states. Such a theory is a denial of the basic principles of democracy and federalism. It implies that some states should be denied the right to be ruled by a government of their choice. Aside from re-establishing that the State of Jammu and Kashmir was less equal than the other states of India, the accord once again pushed Jammu and Kashmir outside the framework of federal democracy in India. More importantly, it blocked secular outlets of protest against

governments both at the Centre and the State. Before the accord was signed, the National Conference provided an outlet for the first and the Congress an outlet for the second kind of protest. The accord destroyed the raison d'être of both the parties and forced all types of discontent to seek fundamentalist or secessionist outlets, which consolidated in the form of the Muslim United Front.

Commenting on the obvious implications of the accord, I warned that as its inevitable consequence "Farooq would go the Barnala (the dismissed and isolated Akali chief minister of Punjab) way." I told Farooq that it was a friendly warning and that nobody would be happier than me if I were proved wrong.

The next milestone on the road to Kashmir's alienation was the assembly elections of March 1987 which were partly rigged. In constituencies where elections were manipulated, the polling agents of the opposition candidates were arrested and beaten up not only by the police but also by the "winning" National Conference candidates. Many of them comprised the nucleus of the militant secessionist movement. If the accord had blocked secular and nationalist outlets of discontent, the elections blocked constitutional and democratic ones as well.

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 single greatest block to the process of Kashmir's emotional and political integration with the rest of India.

The basic premises of this policy are that the Kashmiris are unfit for democracy, or do not deserve it and that democracy and national interest are incompatible.

These premises are not only an insult to the people of Kashmir but to all democratic sensibility.

NOTES

1. *The Hindu*, 3 November 1960.
2. *The Indian Express*, 3 November, 1960
3. *Ibid.*

4. *The Indian Express*, 7 December, 1960.
5. Balraj Puri, 'Kashmir Denied Popular Verdict', Janata, Bombay, 12 March, 1967.
6. Letter to Syed Mir Qasim, 2 July 1983, *Qasim-Indira Correspondence*, Srinagar, 1983.
7. *India Today*, New Delhi, 10 November 1988.

6

Towards Insurgency

The alienation of the people of Kashmir had made considerable headway due to the sequence of events that were discussed in the previous chapter. The assembly elections of March 1987 were soon followed in Ladakh and Jammu by a similar process of alienation from the Kashmiri leadership which had wriggled out of its commitment to appoint a five-member commission to work out the details of regional autonomy.[1]

The people of Ladakh were further hurt by their non-representation in the new Congress-National Conference ministry and its failure to implement the promise made by Indira Gandhi in 1980 to grant them a scheduled tribe status. As the Congress and the National Conference wooed the Buddhists and Muslims of the region respectively, communal tensions developed which had inevitable repercussions on the valley.

The people of Jammu were rudely shocked by the decision of the State Government in 1987 to curtail the number of offices that moved to the winter capital every year. This Durbar move was a century-old practice. The decision to stop the move was degrading for Jammu. Jammu city was no longer one of the two capitals of the State. In an unprecedented display of unity, all sections of the Jammu population joined an agitation from 7 November 1987, under the banner of the Bar Association, for withdrawal of the government order.

The chief minister Farooq Abdullah who had earlier declined to settle the issue with the leaders of Jammu, now submitted to the directions of the Union Home Minister Buta Singh who visited

Srinagar and reversed the order in toto. Abdullah thus allowed himself and his people in Kashmir to be humiliated without regaining any goodwill in Jammu.

ANTI-GOVERNMENT TO ANTI-INDIA

By 1988, the prestige of Farooq Abdullah and his government had suffered serious setbacks. There was no alternate force which had any claim to legitimacy. Even the traditional fundamentalist leadership (and its methods of protest) could not mobilize the growing popular discontent. The new phase of turmoil continued leaderless for a while. Gradually, however, a new leadership from the new generation started taking charge of the situation.

On 10 June, 1988, demonstrations were held in Srinagar, apparently spontaneously, to protest against a sudden and steep rise in power tariffs at a time when the power supply had become most erratic. The deaths of three persons in police firing further infuriated the people. The government however rejected the demand for an enquiry and condemned the "anti-national" hand behind the agitation. On the fifth day there was a *bandh* all over the valley. The agitation then turned violent. The first incident of a terrorist kind occurred in July 1988. There were two powerful bomb blasts in Srinagar which just missed their targets, the Central Telegraph Office and the TV station. The following month, the simmering discontent in the valley found a clear anti-India expression through a series of events: Pakistan's independence day was celebrated on 14 August, a *bandh* was organized and black flags were raised on India's independence day on 15 August, and a condolence demonstration was held on the death of the Pakistan president Zia-ul-Haq on 17 August.

The terrorists again made their presence felt through an abortive attempt on the life of the DIG, Police at his residence on 17 September and through other incidents of bomb blasts elsewhere. On 6 October, the Union Home Ministry revealed that over 100 armed infiltrators had come to the State during the preceding few months to create disturbances.[2] A week later the DG of the State police identified camps across the border where the Pakistan army, the Field Intelligence Unit (FIU) and the Inter-Services Intelligence (ISI) were allegedly imparting training to the Kashmiri youth in the

age group of 18 to 30. Out of a hundred youths who had crossed over to the valley, the DG claimed to have arrested twenty-nine.[3]

Periodic eruptions of anti-India sentiments in Kashmir, observed *The Hindustan Times*, "reached a new high on the Republic Day of 1989 when militants imposed a successful *bandh* throughout the valley".[4] A number of incidents of cross firing between the police and the militants followed: demonstrations on the death anniversary of the JKLF founder Maqbool Bhatt on 5 February; against Salman Rushdie's book, *The Satanic Verses* on 13 February; against the death of the father of the People's League president Shabir Shah in police custody at Anantnag on 5 April.

The incidents from mid-1987 to mid-1989 did not always represent the reaction of the people to particular issues but were manifestations of an accumulated anger, for the anger itself had so many components that it was capable of diverse manifestations. It should, therefore, have been possible to encourage certain channels of protest, and discourage others. Issues of administrative and economic policy (power tariffs), religious sentiments (Salman Rushdie's book), civil liberties (custodial deaths), and even mourning on Zia's death are qualitatively different from the specific anti-India demonstrations of 14 and 15 August, 26 October (accession day) and 26 January. The scope of legitimate rights and the forms of protest of Kashmiris as Indian citizens could have been demarcated and differentiated from the illegitimate rights and forms of protests. The methods of dealing with the agitation on each issue and the force employed for the purpose could have varied according to its nature. Again a distinction could also have been drawn between violent and peaceful as also terrorist and non-terrorist forms of protest. But the uniform and indiscriminate approach and the extent of repression, only strengthened the existing anti-government and anti-India sentiments and enabled the militant elements to identify completely with the non-militant popular unrests.

"I Will Bury Them Alive..."

The chief minister's response to the emerging situation indicated a sense of bravado rather than maturity. "I will bury those people alive who are trying to exploit religious feelings," he declared.[5] Many other statements were in the same vein: "I could break legs

of my political detractors...".[6] I can send lakhs of people to jail. I have the backing of the Indian government....[7] "I will send them (arrested people) to Delhi where scorching heat will melt their fat... Anybody seen carrying a gun will be shot dead....[8] I would throw out anti-national elements into Pakistan."[9] He threatened the militants that Batmaloo would be re-enacted.[10] The allusion was to the alleged role of the Indian army in eliminating the infiltrators from Batmaloo in Srinagar in 1965 by burning the locality.

Later Farooq Abdullah attributed the rising discontent in Kashmir to the failure of the Centre to give the State the promised funds as per the Rajiv-Farooq accord. He also complained of discrimination against the State in the distribution of central financial aid. Of the aid it received, 70 per cent came in the form of grants and 30 per cent as loans while other hill states got 90 per cent as grants and only 10 per cent as loans. Frustration among Kashmiri Muslim youth, according to Abdullah, was also caused by its nominal representation in the central departments which were monopolised by Kashmiri Pandits. "Muslims are discriminated against outside the valley" he felt and so he asked "where will the two lakh unemployed Kashmiri youth go"?[11] In despair, he asked "what can I do? There are 3000 engineers looking for jobs even after we gave jobs to 2000 in the last two years... With no power, schools, roads etc. what have I done to show the people.[12] It is a thin line that divides bravado from despair."[12]

When I asked the chief minister what his plank was—apart from development and law and order—at the emotional, political and ideological levels to counter the appeal of the militants, he said: "What can I do when they come in the name of Islam?" But I asked again, "Do you believe if whatever they are doing is in accordance with Islam and what you are doing is its violation? How did your father succeed in using Islam in countering the appeal of Pakistan? And why cannot you convince the people that you can better represent and defend *kashmiriat* than the militants?" Farooq replied: "If I raise the slogan of *kashmiriat*, there will be a storm in the whole country against me."

I argued that if he conceded autonomy to the three regions of the State as he had once committed, each would respect and defend the identity of the other which would create internal harmony in the State. The rest of the country, I said, would heave a sigh of relief instead of creating a storm. However, it was obvious that Farooq's

nain anxiety was to satisfy Delhi and not the people of the State. As V.N. Narayanan, editor of the *Tribune,* Chandigarh, observed: 'The impression in Srinagar is that he cannot run the government vithout Delhi's orders, and paradoxically enough, he cannot run he government with Delhi's orders either."[13] For hardly anything was left of Delhi's credibility in Kashmir by that time, nor was there iny indication that it had an understanding of what was happening n the valley. Describing how Farooq dealt with the situation, Narayanan added: "He has sought to shift his trust to the Central Reserve Police from the State police. The CRPF has brought a spell of deceptive calm to the city, with it has come the incessant cry of harassment of innocent persons. Arrests and detention without charges have increased, the number is quite out of proportion to the officially claimed number of extremists in the State".[14] It is thus clear that the Government of India and its appointee in the State, had given up the battle for the minds of the Kashmiri people by the summer of 1989.

LEGITIMIZING TERROR

Militancy in Kashmir, thereafter, passed through various phases. It acquired a qualitatively new terrorist character when the first political murder took place in Srinagar on 21 August 1989. A block president of the National Conference, Mohammed Yusuf Halwai, was gunned down by the terrorists near his house in downtown Srinagar. Shutters were immediately downed in the city due to a mixed feeling of fear, confusion and perhaps of a mild disapproval.

The government reacted to this event by hastily passing what was called J & K Special Powers (Press) Bill in the State assembly. The curbs on the freedom of the press thus imposed and its subsequent consequences came under such limelight in the local and national media that attention was completely diverted from the murder of an unarmed, civilian political person. Far from attempting to make an issue of it and launching a counter moral and political offensive against the militants, the government managed to put itself in the dock. The spontaneous *hartal* on the day of the murder, with mixed motives and confused responses, appeared to be a part of the four-day *bandh* the militants organized against the attack on the freedom of the press. The bill was eventually indefinitely deferred by the legislative council but only after it had served the purpose of

shielding the militants from the possible adverse effects of a political murder. That the National Conference was far from an exhausted force was indicated by its impressive and well-organized rally in Srinagar on Abdullah's death anniversary on 8 September. However, it had missed the psychological moment to hit back at its enemies.

The first Kashmiri Pandit to be murdered was the BJP leader Jia Lal Taploo on 14 September. The second was the retired sessions judge, Neel Kanth Ganjoo (on 4 November) who had sentenced the JKLF founder Maqbool Bhatt to death. Though the JKLF tried to explain that the two were not killed on account of their religion, the murders caused a scare among the minority community.

The militants soon gained further ground with their kidnapping of Dr. Rubaiya Sayeed, daughter of the Home Minister Mufti Mohammad Sayeed. The incident caused deep indignation in Kashmir where various groups openly demanded her release. Voices of protest were also raised by many Muslims abroad, including in Pakistan. There were indications that the militants were inclined to release Rubaiya Sayeed unconditionally. Had they killed her, it would certainly have dealt a fatal blow to their movement. But the newly-installed National Front government in New Delhi acted in sheer panic. Two of its cabinet ministers, I.K. Gujral and Arif Mohammed Khan, along with high officials in the Home Ministry, including the intelligence agencies, journalist friends of the Mufti and some mediators rushed to Srinagar to force the State government to sign an agreement with the militants along the lines dictated by them. The agreement to secure the release of Rubaiya Sayeed in exchange for five imprisoned militant leaders raised the morale of the militants. It legitimized kidnapping which became common thereafter. As the *Dawn* of Karachi observed, "it was a bluff that worked." Many of those in Kashmir who had criticised it as un-Islamic had to recant. Doordarshan, in its short-lived phase of glasnost, covered the new euphoria which only added to its effect.

FROM TERROR TO INSURGENCY

The appointment of Jagmohan as Governor of the State for the second time on 19 January 1990 marked a major watershed in the

triumphant march of militancy in Kashmir. Farooq's resignation, which was a foregone conclusion as he had clearly indicated his intention of doing so in case Jagmohan was appointed, brought New Delhi into direct confrontation with the Kashmiri rebels. The dissolution of the State assembly by the Governor on 19 February further removed whatever vestige of a buffer was left. Farooq and the State assembly had certainly lost much of their representative character. But in no case could a person with the image and reputation of Jagmohan, and a nominee of the Centre, become a better representative of the people of Kashmir in their present mood. The Kashmir problem thereafter acquired a new complexion—India versus Kashmir; with corresponding psychological change on either side.

Soon after the imposition of Governor's rule, the people in Kashmir were administered a severe shock. At 5 a.m. on 20 January 1990, security forces cracked down on a part of Srinagar city and conducted a house to house search and rounded up over three hundred persons most of whom were, however, released later. "People also complained that most of those arrested were beaten up or dragged out of their houses. In some cases, they were not even allowed to wear shoes and taken bare-footed."[15] The next day people were in the streets, defying curfew, to protest against the alleged excessive use of force in the search operation and ill-treatment of women. Groups of demonstrators started from different parts of the city. They were not stopped en route but fired at when most of them converged around Gau Kadal. The press put the toll at 35,[16]—the highest number of persons ever killed on a single day in Kashmir till then. As trouble spread, fifteen towns of the valley were put under curfew. Jagmohan however, denied that he had ordered the crack down. He put the responsibility on Farooq who was alleged to have done so "without applying his mind in depth and without ascertaining details and assessing the repercussions."[17] Farooq vehemently denied the allegation.

It is neither possible nor necessary here to locate individual responsibility for the incident. What matters is the fact that no public enquiry was ordered by the Governor into the allegations of excesses, nothing had been done to avoid firing on the crowds. Such incidents continued to recur, taking an even higher human toll, and with allegations of worse excesses.

With this incident, militancy entered a new phase. It was no

longer a fight between the militants and the security forces. It gradually assumed the form of a total insurgency of the entire population. The new phase was also marked by a demoralization within the political system, followed by the collapse of the administration. The escape of twelve detenus, described as dangerous, from Srinagar jail, is just one illustration of this collapse.

About 200 personnel of the State police held a protest demonstration on January 22 against the killing of three of their colleagues by the para-military forces. "They demanded that dead bodies of the killed policemen be handed over to them. They dispersed after DG police J.N. Saxena assured severe punishment against the guilty army jawans. It was also announced that a case of murder had been registered against them."[18]

Besides the local police and the local officials all of whom were considered to be disloyal, even those senior IAS and IPS officers suspected to be out of tune with the new policy were sidelined. But the occupant in the Raj Bhawan with his image of himself as a messiah, was determined, to rescue Kashmir from the Kashmiris. He was determined to fight on all the fronts single-handed. In such a situation, excessive distrust became as counter-productive as blind trust.

Apart from the collapse of administration, "the courts at the district and the sub-divisional levels had ceased to function," records Jagmohan. He also criticized the "manner in which the State High Court was functioning", particularly the two judges who functioned from Srinagar and who had been "affected" by the environment.[19] Postal, banking and insurance services were completely paralyzed. Social and welfare activities, including the Red Cross were wound up. 1990 was also the first year when the head of the State failed to hoist the national flag on Republic Day. It was a period when the Indian State exposed not only its ugliest face but also its most helpless form.

The mounting toll in firings by the security forces was justified by the mounting tempo of anti-India frenzy and vice-versa. Frenzied crowds of unprecedented size comprising men, women, and children, belonging to all sections of society including government servants, often under the banner of their respective departments, moved on to the streets of Kashmir demanding *azadi*. In desperation, the administration imposed curfew and orders to shoot-at-sight. Long spells of curfew—perhaps the longest in the history of

India—lasting many weeks at a stretch, with occasional breaks of two to three hours in the early winter mornings, closed all avenues of social and occupational activities. Educational institutions, too, remained closed most of the time. The only forum left or expression of popular anger was the mosque where almost the entire population collected shouting slogans of *azadi* through microphones.

In this atmosphere of total confrontation between security forces and the Kashmiri Muslims, the excesses of the militants and the killing of innocent civilians by them could hardly attract much attention. When an independent ex-MLA Mir Mustafa was killed on 24 March, there was some protest in his native town and a clash of views amongst the militant groups. The hardship caused by the 18-day long curfew and crackdowns following the kidnapping and killing of the eminent Islamic scholar and Vice-Chancellor of Kashmir University, Mushir-ul-Haq, his personal assistant Abdul Ghani and the HMT General Manager H.L. Khera, on 11 April diverted the direction of popular displeasure away from the militants.

Popular wrath was also directed against the government because the people couldn't but compare its rigid stand on this occasion, with the too liberal approach it had adopted in getting Dr. Rubaiya Sayeed released. Hilal Beg, who owned up to the responsibility of killing the Vice-Chancellor and the other two hostages told the press that the militants were prepared to set them free without quid pro quo, provided curfew was lifted to allow them to come out of their hideouts. Otherwise they would have been caught.[20]

COUNTER-PRODUCTIVE REPRESSION

It was the firing on the funeral procession of Mirwaiz Maulvi Mohammad Farooq, that set the rest of the country thinking about the adverse implications of an indiscriminate and ruthless single track repressive policy in Kashmir.

Mirwaiz Maulvi Mohammad was gunned down in May 1990. The anger of the large number of his devoted followers was initially directed at a militant outfit suspected of being behind the murder. But the government was responsible for diverting this anger against itself and the Government of India. The security forces fired on the funeral procession when it had almost reached, its destination, Mirwaiz Manzil, which had no escape routes. The death toll estimates

vary between 47, as stated by the national press, and 100 as broa cast by the BBC.

Almost the entire national press criticized the senseless firir One hundred and thirty-seven State Government officials took t unusual step of publicly expressing their resentment over the firi incident. A notable foreign reaction to the incident was the call fr the Bush administration to the Government of India. They wan the Government of India to restrain the use of deadly force agai unarmed demonstrations. His special envoy, Gates, arrived in De specifically to convey the message.[21]

Again, Jagmohan shifted the responsibility to the DG Police w reportedly denied the charge in his representation to the gove ment. However, some questions about the role of Jagmohan remain unanswered. Why was the death of such an emin religious leader not treated as an occasion for official mourni Why was the courtesy of placing a wreath on the dead body behalf of the Governor not observed? Why were pickets of security forces maintained along the route of the procession w there was no government installation there to be protected? V was the funeral procession not stopped (if at all it had tc stopped) at the hospital from where the body was taken anywhere in the open areas before it entered a lane? Why wa relief offered to the victims of the firing or to the families of deceased?

It was the logical outcome of such a reckless and ruthless track policy that led to the cross-over of some officially estim 10,000 desperate Kashmiri youth to Pakistan[22] for training procurement of arms. It also led to the exodus of almost the e Kashmiri Pandit community to a life of indefinite and tragic wi ness. Militancy and fundamentalism, which Jagmohan had a and abetted in 1984 when he arbitrarily dismissed a duly el government, was nursed best by him.[23]

Under Article 92 of the state constitutions, Governor's rul plies absolute power and, unlike the President's rule in other s is not accountable to Parliament. Jagmohan is right in claimin he had a legal right to dissolve the State assembly without se the consent of the Government of India. He is also right in plaining that he did not get a free hand. He could have go human rights activists had not intervened, if the press was nc to report and criticize him, if the judiciary was not independer

the High Court was more obliging, if India was not governed by a democratic constitution, if public conscience in India were dead, and if Kashmir could be screened from international scrutiny. But the National Front government was not prepared to remove these constraints though Jagmohan made a sustained effort to overcome them.

He defamed human rights activists, cast aspersions on the High Court, and tried to manage and manipulate the media. Within a week of his taking over office, as the press council team records: "The administration had confined all foreign and national correspondents to their hotels and then bundled them out of the valley."[24] Curfew passes of the staff of the local newspapers were so restricted that their regular publication was disrupted. "This resulted in loss of credibility, doubt, suspicion and anger. That rumour and exaggerations began to pass for hard news thereafter was an inevitable consequence. The importance of international and even national public opinion was simply ignored".[25] Most of the National Front allies accepted a self-imposed censorship in the "national interest" to give the new policy a trial. Meanwhile, permanent correspondents of many papers moved to Jammu in view of the atmosphere of insecurity in the valley. Press releases from the Raj Bhawan became the main source of news for the media. One could find the same story with the same phrases under different bylines in different papers. Unfortunately two media personalities, an outstanding TV director Lassa Kaul and an innocent information officer P.N. Handoo, were gunned down by terrorists on 13 February and 1 March 1990 respectively. They were accused of implementing the new media policy. While the electronic media lost its credibility, the militants gave a call to boycott newspapers from outside Kashmir. Kashmir's communication links with the rest of India were cut off. As a "media vacuum" developed in Kashmir "counter-media local releases, posters, cassettes and rumours, as well as Pakistan (and POK) radio and TV had a field day."[26] Kashmir also became dependent on foreign media for local news.

PANDIT MIGRATIONS

The Jagmohan regime witnessed the exodus of almost the entire small but vital Kashmiri Pandit community from the valley. Padma

Vibhushan Inder Mohan (later he renounced the title) and I were the first public men to visit Kashmir in the second week of March 1990 after the new phase of repression had started. Though the Kashmiri Muslims were in an angry mood, they heard us with respect and narrated their tales of woe. At scores of meetings to which we were invited during our short but hectic visit, Kashmiri Muslims expressed a genuine feeling of regret over the migration of Kashmiri Pandits (KP) and urged us to stop and reverse it. Encouraged by the popular mood, we formed a joint committee of the two communities with the former chief justice of the High Court Mufti Bahauddin Farooqi as president, the Kashmiri Pandit leader H.N. Jatto as vice-president and a leading advocate Ghulam Nabi Hagroo as general secretary, in order to allay the apprehensions of the Kashmiri Pandits. Jatto recalled that the Pandits had reversed their decision to migrate in 1986 after the success of the goodwill mission led by me. He expressed the hope that my new initiative would meet with similar success. A number of Muslim leaders and parties, including militant outfits, also appealed to the Pandits not to leave their homes, Jatto welcomed and endorsed their appeals, but soon migrated to Jammu himself. He told me that soon after the joint committee of the prominent members of the two communities was set up, the Governor sent a DSP to him with an air ticket for Jammu, a jeep to take him to the airport, an offer of accommodation at Jammu and an advice to leave Kashmir immediately. Obviously the Governor did not believe that the effort at restoring inter-community understanding and confidence was worth a trial.

The experiment came under cross fire. The official attitude was far from cooperative. The rise of new militant groups, some warnings in anonymous posters and some unexplained killings of innocent members of the community contributed to an atmosphere of insecurity for the Kashmiri Pandits. A thorough, independent enquiry alone can show whether this exodus of Pandits, the largest in their long history, was entirely unavoidable.

The physical distance between the migrant Pandits and the Kashmiri Muslims also reflected the mental distance between them. The communal elements in both the communities seized the opportunity to make a desperate bid for enlarging this distance into an unbridgeable gulf. Hindu communal forces exploited the plight and frustration of the migrants to effectively whip up an anti-Muslim

frenzy amongst a section of Pandits. A statement made by me in mid-March 1990 to the effect that I found no hostility among common Muslims in Kashmir against the Pandits, and that allegations of gross violation of human rights by the security forces needed an impartial probe, provoked this section so much that they held demonstrations against me and burnt my effigy.

The Muslims of Kashmir were hurt by a sweeping campaign of vilification against the whole community. Just as many Pandits tended to believe that Muslims could not be loyal to the country, many Muslims tended to believe that the Pandits could not be loyal to Kashmir, that every Pandit could be a *mukhbar* (informer). Militants could use this suspicion as a basis to kill Pandits. Many Muslims further believed that the Pandits were encouraged by the government to migrate to facilitate its genocidal designs. Rumours were also spread that Pandit youths were getting militant training and would return to start a counter terrorist movement in Kashmir.

Two incidents of bomb blasts involving Pandit youths were used to malign the entire community in Jammu and Kashmir. The two youths were injured in a blast in the RSS office while allegedly assembling a bomb. In yet another incident one Pandit was killed and another injured in an abortive attempt to blow up an examination centre. While RSS and BJP leaders paid tributes to them, the State government passed an order banning the RSS, specifically mentioning these incidents. Leading members of the migrant community immediately disowned the action and leaders in Jammu condemned attempts to malign the whole community for the action of isolated individuals.[27] The government did little to counter rumours. Some KP organizations published exaggerated figures of Pandits killed by militants and exceeded the official figures of the total number of casualties.[28] The government never contradicted the former figures or gave its own version. The press council committee further observed that, "Much disinformation is being spread in Jammu and Delhi that scores or hundreds of Hindu temples and the shrines have been desecrated or destroyed in Kashmir. This is completely untrue and it is baffling that the government has not thought fit to ask Doordarshan to do a programme on *mandirs* in Kashmir just to reassure people that they remain unharmed."[29] Again while there is evidence to the effect that many Muslims took pains to guard the houses left vacant by their neighbouring Kashmiri Pandits, such information was rarely reported.

Whatever be the precise share of responsibility of the government and the different political groups in vitiating the communal relations, it did seem at one stage, that the Kashmiri personality was so split that one part was swayed by the Hindutva wave while another was submerged by the Muslim fundamentalism.

RE-ASSERTION OF KASHMIRIAT

This must have persuaded Pakistan policy makers to conclude that the JKLF, which had pioneered the militant movement with the slogan of *kashmiriat*, had become redundant in the situation. The Front chief Ammanullah regretted that Pakistan which had earlier helped his militant outfit had "now put a squeeze on the flow of arms to the JKLF. They have been creating difficulties in transporting the material."[30] He alleged that the "terrorist organizations funded and motivated by Inter-Services Intelligence (ISI) of Pakistan included the Hizbul Mujahideen, the Allah Tigers, the Muslim Janbaz Force, the Pasdaran Inquilabi Islami and the Ikhwan-ul-Mushmeen.[31]

The JKLF circles also accused the pro-Pakistan elements of providing clues to the Indian security forces regarding JKLF whereabouts, which made them further vulnerable to the attacks of the security forces. In a number of encounters several activists of the Front were killed, and many top leaders were arrested. The security advisor to the Governor Jameel M. Qureshi, claimed that the JKLF had been wiped out.[32] Ammanullah also complained, at a press conference in Islamabad (Pakistan) in December 1991, that "the pro-Pakistan Hizbul-Mujahideen was killing JKLF workers." According to an official report "anti-militant gang clashes became very frequent in which at least 14 persons were killed."[33]

The cold war between the JKLF and Pakistan, ever since the latter withdrew its support to the former, culminated in Ammanullah's two bids to lead a march from Pakistan Occupied Kashmir (POK) across the line of actual control. Pakistan prevented the march by using force and killing twelve marchers on 11 February, and by arresting Ammanullah and 500 of his colleagues before the second threatened march on 30 March.

This attracted the attention of the international media and governments. The JKLF could now reassert its claim to represent Kashmir.

The shrill response of the Government of India to the aborted marches also contributed in internationalizing the Kashmir issue and thereby reviving the lost prestige of the JKLF. The Indian press reported that the Front staged a spectacular come back, and the slogan of *'azadi'* returned to the valley at the cost of pro-Pakistani sentiments. When JKLF organized a peace march against the might of the Pakistani state, it re-established its edge within the valley. In a bid to pacify the resurgent sentiments of *kashmiriat*, Pakistan's Prime Minister Nawaz Sharif conceded the possibility of independence for Kashmir which his country had opposed so far. However, while the JKLF leaders accused Pakistan of deluding the Kashmiris and being their enemy, serious charges were made by the POK government about JKLF bona fides and sources of funds.

Meanwhile the Kashmiri Pandits gradually recovered from the trauma of immigration. They now felt a renewed urge to maintain their *kashmiriat*. Migration had meant not only a possible loss of their homeland but a threat to their Kashmiri identity. Were they willing to loose it? It was clear to the migrants that other Hindu communities were keen on retaining their ethnic identity as distinct from an all-embracing Hindu identity. In fact, even the Dogras of Jammu, who sympathised with the migrants, were unwilling to dissolve their own ethnic identity within a larger Kashmiri Hindu identity.

There were other facts to be observed. Pandits were not the only migrants. An officially estimated 20,000 Muslim families from the valley had been forced to migrate, and a large number of Muslims had been killed by security forces and militants. It was time to realize that suffering ought to unite those who suffered, not divide them against each other.

The emotional and political gulf between the Hindus and Muslims of Kashmir was far from bridged. But it was obvious that *kashmiriat* had survived the worst onslaught on it from either side, and that the Muslims of Kashmir had shed many of their illusions about Pakistan. If this process of disillusionment was not complete, it was due to the Central Government's failure to appreciate the basic aspirations of Kashmiris and the repressive acts of the Indian security forces.

NOTES

1. The Chief Minister, Farooq Abdullah had announced the formation of a

commission headed by me. The other members nominated to the commission included Mr. N.K. Mukherjee and Professors Upendra Baxi, Bashir ud din and K.M. Kurien.

2. *The Hindustan Times*, 7 October 1988.
3. *Ibid*, 13 October 1988.
4. *Ibid*, 28 January 1989.
5. *Kashmir Times*, Jammu, 4 April 1988.
6. *Ibid.*
7. *Ibid.*
8. *The Hindustan Times*, 7 May 1989.
9. *Ibid.*
10. *Kashmir Times*, 11 April 1989.
11. *The Times of India*, New Delhi, 4 November 1988.
12. *The Statesman*, New Delhi, 24 September 1989.
13. *Tribune*, 23 June 1989.
14. *Ibid*, 22 June 1989.
15. *Kashmir Times*, 21 January 1990.
16. Vijay R. Trivedi, Facts about Kashmir, New Delhi, 1990 and "Events of the Year," *Kashmir Times*, 31 December 1990.
17. Jagmohan, *My Frozen Turbulence*, New Delhi, 1991, p. 15.
18. *The Daily Excelsior*, Jammu, 23 January 1991.
19. Jagmohan, *op cit*, p. 186.
20. *The Times of India*, 29 May 1991.
21. Trivedi, *op cit.*
22. *Ibid.*
23. Jagmohan described his approach to the problem at a press conference, *Kashmir Times*, 24 January, 1990.
24. Press Council Committee Report, *Crisis and Credibility*, New Delhi, June, 1991.
25. *Ibid.*
26. *Ibid.*
27. *Kashmir Times* 18 December 1992.
28. *The Times of India*, 5 February 1992, reported, quoting official sources, that militants killed 1585 men and women, including 981 Muslims, 218 Hindus, 23 Sikhs and 363 security personnel between January 1990 and October 1992.
29. *Crisis and Credibility op cit.*
30. *Kashmir Times*, 3 April 1992.
31. *The Excelsior*, 17 January 1992.
32. *The Times of India*, 25 August 1990.
33. *The Excelsior*, 29 March 1992.

7

Of Human Rights

The foregoing account of the vicissitudes of the insurgency movement in Kashmir brings into focus the critical importance of the issue of human rights—an issue which meanwhile has resurfaced in the political agenda of the world.

Reflecting the new international mood, the retiring UN Secretary-General Perez de Cuellar, observed in his annual report in the last session of the General Assembly in 1991:

> Human rights have now become one of the keystones in the arch of peace.... It now involves a more concerted exertion of international influence and pressure through timely appeal, admonition, remonstrance or condemnation and, in the last resort United Nations presence, than what was regarded as permissible under traditional international law. It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of states cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity.[1]

With the issue of Kashmir and human rights so focussed in the world's eye, the contention of the then Indian Foreign Minister Madhavsinh Solanki, did not evoke any support when he said "any outside intervention in a member country on humanitarian grounds constitutes an abridgment of national sovereignty and is, therefore, fraught with serious implication."[2] The French Foreign Minister Roland Dumas, asserted that on the issue of enforcing human rights the United Nations is "too much of a Grande Dame now to tolerate a lack of respect". For developing countries, the

"age of alibis is over" declared British Foreign Secretary, Douglas Hurd. The Russian Foreign Minister observed that "every state delegates, as it were, a fraction of its Sovereignty in the matter of human rights area". Japan's Foreign Minister, Taro Nakayama, said his government would extend external aid with special attention to, "the situation with regard to securing basic human rights."[3]

Pakistan, which had failed to enlist much international support on other aspects of the Kashmir problem was able to make the violation of human rights the main plank of its diplomatic offensive on Kashmir against India. The world press, human rights organizations like Amnesty International and Asia Watch, the UN human rights committees and governments of many countries, particularly of the West, also, took cognizance of the human rights abuses in Kashmir. The US House of Representatives observed on 13 June, 1991:

> In Kashmir, a widespread breakdown of the legal system is known to have occurred... it shall be the policy of the US government and be a guiding principle for the president that the Government of India should take significant steps to improve human rights by allowing unrestricted access to internationally recognised human rights organisations, fulfilling recommendations of the UN Human Rights Committee...making significant progress in curbing human rights abuses committed by its security and police forces.[4]

In February 1992, the US State Department Report on India stated that "the human rights situation in Jammu and Kashmir State further deteriorated in 1991". It catalogued the excesses committed by the security forces against civilians.[5] The European Parliament expressed similar concern over violation of human rights in the state. Its delegation, which was denied entry into Kashmir, conveyed its concern to the Government of India on the subject.

A Regime Of Terror

The enlightened public in the rest of the country remained ignorant of the nature and extent of human rights violations in the initial phase of insurgency in 1990. Apart from the unofficial censorship imposed by the Government, there was also a self-imposed censor-

ship that stemmed from so-called patriotic considerations. Human rights and civil liberty organizations had ignored the complaints of excesses committed by the Indian security forces until Inder Mohan and I released our brief report to the press in the second week of March. Expressing our anguish over what we had seen and heard we observed, "our immediate impression is that basic human rights, civil liberties, legal norms and civilized values have been grossly violated by the security forces and administrative authorities in dealing with the situation on many occasions."

Our report was initially received with hostility. However, this hostility mellowed as more facts and their implications became known. Many human rights teams and independent groups visited Kashmir after April 1990, thus breaking the conspiracy of silence on the issue of human rights violations.

The press in general, after its initial hesitations, started reporting regularly about the atrocities committed by the security forces. Some of these reports were well-documented. The video magazine 'Eye witness', for instance, featured a horrifying tale of torture by the security forces. Though it was censored by the government, its contents were reproduced by the print media.[6] The judiciary, too, set aside many executive orders which arbitrarily and unlawfully curbed the civil liberties of the people, though its verdict was often circumvented. Almost all the major political parties, barring the BJP, raised the issue of the violation of human rights in Kashmir. Rajiv Gandhi accused the security forces of running berserk. Chandrashekhar, during his tenure as prime minister cautioned them to observe restraint. V.P. Singh, the then prime minister, publicly advised them more than once to discriminate between the militants and the local population. Subodh Kant Sahay, Minister for Home Affairs in Chandrashekhar's government admitted that "some shameful incidents took place for which a record number of security personnel have been suspended."[7] Rajesh Pilot, minister of state for internal security, expressed his concern over alarming reports about the "use of excessive force and misuse of authority by the security personnel."[8] Prime Minister Narasimha Rao disclosed that action had been taken against 230 officials of the security forces in Jammu and Kashmir to send a "clear message that we do not tolerate human rights violations."[9] The left parties were more vocal on the issue of human rights. The State Governor, G.C. Saxena too admitted that excesses committed by the security forces

caused a major set back in the process of normalization in Kashmir.[10] The BJP generally condemned any criticism of the security forces as anti-national. However, its vice-president K.L. Sharma criticised the killing of civilians by security forces when militants attacked Rajesh Pilot during his visit to Srinagar in the first week of May 1992.[11] Atal Bihari Vajpayee had also admitted in a seminar on Kashmir held in Delhi on 12 August 1990 that the excesses of the security forces were counter-productive.

The report of the Press Council panel, signed by B.G. Verghese and Vikram Rao, quoted earlier, succinctly interpreted the human rights violations in Kashmir in the following words:

> Human rights cannot be safe in (the rest of) India if they are trampled upon and remain unpunished in Kashmir. Such violations are brutalising and threaten the democratic edifice of the country. More precisely, far from subduing aggrieved communities, Kashmir in this case, they can only alienate them further, especially if their women are dishonoured and their collective psyche is hurt.

The panel, therefore, recommended that:

> Every body at all levels must be sensitised to the supremely important aspect of correcting human rights errors and winning and maintaining confidence and trust...Indian human rights groups must continue their watch dog role in Kashmir. This is a strength.[12]

There are several reasons for continued lapses by the security personnel. If they were accused not only by the BJP but even by the PUCL of having committed excesses on the *kar sevaks* at Ayodhya with whose cause they were supposed to sympathize, they could not be expected to deal in a gentle manner with the "Muslims" of Kashmir. The security forces share the communal and political prejudices generally prevalent in the country. If custodial deaths and police torture take place so frequently in metropolitan cities, despite an alert press and official and non- official checks, how can one possibly guarantee against their occurrence in Kashmir? The question is why was it not condemned by the public? Why is the conscience of the country, that was so disturbed by the blindings of criminals in Bhagalpur, so insensitive when the victims are non criminal Kashmiri Muslims?

Many a jawan has pressed a trigger on hearing an anti-India slogan or about the desecration of the national flag. It needs to be debated whether such acts by militants deserve punishment without a judicial sanction, that too nothing short of death by firing squad. We need to discuss whether or not a democratic country like India should tolerate non-terrorist and peaceful expression of secessionist ideas.

The most outrageous cases of human rights violations are those in which unarmed and innocent persons are killed without any provocation—verbal or physical. A distinction needs to be made between the use of force, however excessive, in an encounter or killings in cross firings and the senseless killings. In Chota Bazar, Srinagar, for instance the CRPF jawans went on a killing spree on 11 June 1991, on hearing about the death of a colleague in a distant area. The Governor regretted the incident and his advisor admitted that the incident had "absolutely no justification."[13]

To argue that the security forces work against heavy odds and hence get fatigued, both physically and mentally by the nature of their duties, is to state the obvious. Although it is an explanation which might help in finding remedial measures, it is not a justification in itself, for working under similar circumstances all security forces do not always behave in such a manner. It would be unfair to tar all of them with the same brush. Outstanding cases of restraint, discipline and public rapport must be rewarded and examined so that they become the objects of emulation elsewhere.

Another justification often cited for the excesses of the security forces is that the militants commit worse excesses. The militant cause has suffered precisely on account of their excesses. Why then should the security forces imitate them to damage their image and that of the nation? Why should the law enforcing agency compare their conduct with those who defy law?

It is indeed intriguing that major violations of human rights took place when the situation seemed to be improving. In May 1990, the wrath of the people against the militants suspected of being responsible for the murder of Mirwaiz Maulvi Farooq, was diverted against India when security forces fired on Farooq's funeral procession. In April 1991, when Pakistan curtailed arms aid to the JKLF and one of its leaders was killed by a pro-Pakistan militant outfit, there were spontaneous anti-Pakistan demonstrations in Srinagar. But the anti-India upsurge created by the unprovoked killing spree

at Khanyar and Chota Bazar submerged these anti-Pakistani feelings. Similarly, the anti-Pakistan sentiment following the clashes of Amanullah's group with Pakistani security forces during his bid to cross the Line of Actual Control on 11 February and 30 March 1992, was counterbalanced by a series of unusual custodial deaths. According to a writ petition filed in the State High Court by the human rights activist H.N. Wanchoo, who later died in mysterious circumstances on 5 December 1992, custodial deaths ranged from 15 in July to 30 in November 1992.[14] The Sopore outrage on 6 January 1993, according to the official version, took a toll of 40 innocent lives. Every time the government itself expressed shock over the tragedies and admitted that they caused a set back to the process of normalisation.

As the lapses of the security forces became evident, as the human rights groups raised their voice of protest and as international pressure mounted, the Government of India initiated a number of moves. A two day seminar sponsored by the Union Home Ministry on 17 and 18 April 1992 in Jammu on Indian police and human rights provided the first opportunity for an interaction between senior army, para-military and police officers and human rights leaders like V.M. Parkinde, B.G. Verghese, A.G. Noorani, Y.P. Chhibber, Yogesh Tyagi and myself. Later, the Central Government also proposed the setting up of a human rights commission. The proposal was unanimously endorsed by the conference of chief ministers on 14 September 1992. The Government also invited the Amnesty International team for talks in New Delhi in mid-November.

The Press Council report and the statements of some official spokesmen have disclosed that actions have been taken against those whose excesses were proved. But the official inquiries failed to inspire the confidence of the local people or influence international opinion. For they were conducted by officers of the security forces themselves, in secrecy, without involving the public or the complainants. However, for the first time, a sitting judge of the Punjab and Haryana High Court was appointed to inquire into alleged mass killings by the BSF company at Sopore on 6 January 1993. If this precedent is followed, the confidence of the people in the inquiries and the Indian judiciary may be restored.

So far, inquiry reports were never made public on the plea that they would demoralise the security forces. To preserve the morale

of the forces most of the guilty seem to have been awarded only a token punishment. This logic was refuted by Ved Marwah, who served as Advisor to the Governor of Jammu and Kashmir for about two years. He asserted that proper punishment has "a salutary effect on their (i.e. security forces) morale and discipline."[15]

One of the most sensitive issues is how women are treated during security operations. The allegations of molestation and rape enrage people. Such incidents lower the morale and legitimacy of the security personnel as nothing else does. Action against offenders has been taken in some cases. Two BSF jawans were dismissed for raping a bride and her friend in Anantnag.[16] The alleged rapists of a Canadian women near Dal Lake, Srinagar were punished; so were those who raped four women at Hillar village. A criminal case has been registered against army jawans stationed at Shopian following a medical report, establishing gang rape of four women on the intervening night of 10 and 11 October 1992.[17] But if such incidents are to be prevented, punishment should be more deterrent, inquiry should be independent, and the findings should be publicised. It is also necessary to deploy women police for searches or any other action involving women. The Director General of Police of the Border Security Force, Anantachari, admitted in 1992 that the BSF did not have women personnel.[18] It was only recently that the BSF proposed to form women battalions, and the state police started recruitment of women.

MILITANCY AND TERROR

The very nature of the militant movement in Kashmir implied intolerance of dissent and use of violence as the principal means of action. Its targets were not always the personnel of the security forces and so called informers but also civilian officials and non-officials, political leaders and common citizens. Out of about 1900 persons killed by the militants, less than 400 were security personnel. They are also reported to have abducted 742 people of whom 71 were killed.[19]

Attacks on the media was another violation of human rights. Several media persons connected with the Government-owned TV and the information department were killed by militants. Subhan Vakil, editor of the *Alsafa* was gunned down. A grenade was

thrown on the office of the BBC correspondent Yusuf Jamel (who was kidnapped a year ago by the army and later released). *The Indian Express* correspondent George Joseph was ordered to leave Kashmir; the PTI correspondent Ali Mohammad Sofi was warned against reporting on the Kashmir situation; and a fine of one lakh rupees was imposed on the *Srinagar Times* as well as *Alsafa* for not publishing the statements of the militants. Ikhwan-ul-Mushmeen announced a ban on the daily, *Aftab* for "deliberately publishing anti-movement news."[20] Mercifully most of the threats were not actually implemented.

The American-based human rights organization, Asia Watch, which is unsparing in its criticism of the human rights abuses by the Indian security forces has also taken the militants to task. It draws a distinction between members of the security forces, who were killed and wounded by the militants and the non-combatants who were killed, wounded or threatened with death. According to Asia Watch, it is the attack on non-combatants which violates international human rights and humanitarian law. It observes:

> The militants have used their increased military and political power to engage in abuses against the civilian population. These groups have systematically violated international humanitarian law by engaging in summary executions, kidnappings, threats and assaults on civilians.[21]

Commenting on the migration of Kashmiri Pandits, the report concludes:

> Many Hindus were made the targets of threats and acts of violence by the militant organizations and that this wave of killings and harassment motivated many to leave the valley. Such threats and violence constitute violations of the laws of war.[22]

As terrorism gained ground, international opinion turned against the militants. During their visits to India in the beginning of 1992, the British home secretary and foreign secretary condemned terrorism in Kashmir as a violation of human rights. The European parliament which had taken the Indian security forces to task, criticized "the spate of kidnapping and other acts of the terrorism by the separatist groups in Kashmir."[23] A senior US State department official observed: "kidnapping represent terrorist tactics" and

added that "Kashmiri grievances cannot be advanced by resorting to such terrorist tactics."

Human rights became the principal issue within the valley as well. More demonstrations were held against excesses than for *azadi*. Initially protests were directed against security forces. But since mid-1991 militants too became targets of popular anger. When Sohan Lal Bararu's wife and daughter were allegedly raped and his family members killed on 1 and 2 April 1992, there was a spontaneous outcry. Women in particular, participated in large numbers in the demonstrations against the outrageous incident. Muslims demonstrated their sympathy for the Hindu victims of the excesses. Terrorism was now increasingly seen as a violation of human rights, *rather than* an attack of Muslims against Hindus. A conference in Delhi on 17 April 1992, attended by eminent Kashmiri Pandits invoked the UN charter on human rights. On 31 March 1992, Anjaman-i-Taraqqi Urdu organized a literary meet in Jammu. The discussion on the 'Agony of Kashmir', attended by leading Hindu, Muslim and Sikh poets and writers was a further step in projecting the suffering of Kashmiris as an issue of general human concern. Meanwhile, a small but articulate Jammu-based Kashmiri Pandit group, the Democratic Front of Kashmiri Migrants, also expressed equal concern over the excesses of the security forces on Kashmiri Muslims. It regretted that "despite repeated assurances of the government, killings continue unabated."[24]

Taking note of local and international opinion, the Jamait-i-Islami leader Syed Ali Shah Gilani appealed to all militant outfits for the unconditional release of all hostages. Expressing concern over the spate of abductions, he said: "these incidents cause a setback to the Kashmir struggle."[25]

Echoing the same feeling, a spokesman of the Hizbul Mujahideen said, "random kidnappings not only give our movement a tag of terrorism on the international level but are also creating problems for the people on the local level."[26] Several militant groups have condemned the incidents of extortion, molestation of women and what they call unjustified killings. The militants lost some of their original élan due to a number of reasons: a continuous proliferation of groups, confusion and division in their ranks regarding their ultimate objective, and Pakistan's changing policy towards different groups of militants. Gradually, their ranks had been infiltrated by anti-social elements. The Hizbul Mujahideen expressed deep con-

cern over the activities of "some gun wielding youth who were harassing the innocent people, kidnapping local officers and threatening intellectuals, besides interfering in the working of government offices."[27]

Whatever the reasons that pushed the Kashmiri Muslim youth towards militancy and whatever their compulsion to resort to violence for the achievement of their objective, nobody who loves Kashmir can remain unconcerned over the brutalization of one of the most civilized communities of the subcontinent. Violence has become an integral constituent of Kashmiri life. Nor can the Indian nation as a whole afford to stake its democratic and civilized credentials by condoning the excesses of its security forces.

The urge for the restoration of human rights has proved to be vital in determining the course of events in Kashmir. In the battle of wills in Kashmir, the capacity to fulfill this urge which is the essence of the urge for freedom, might be decisive.

NOTES

1. *The Times of India*, December 1991.
2. *Ibid.*
3. *Ibid.*
4. *Ibid*, 22 June 1991.
5. *Ibid*, 7 February 1992.
6. *Ibid*, 8 November 1991.
7. *The Daily Excelsior*, Jammu, 15 April 1991.
8. *Kashmir Times, Jammu*, 17 February 1993.
9. *The Times of India*, 15 September 1992.
10. *Kashmir Times*, 28 March 1993.
11. *The Hindustan Times*, 26 June 1992.
12. *Kashmir Times*, 8 May 1992.
13. *Crisis and Credibility*, Press Council of India, New Delhi, 1991.
14. *The Times of India*, 26 March 1992.
15. Governor G.C. Saxena, *The Daily Excelsior*, 25 September 1992.
16. *The Times of India*, 31 December 1991.
17. Ashok Patel, IGP BSF, *The Times of India*, 31 July 1992.
18. *Kashmir Times*, 14 October 1992.
19. *The Times of India*, 31 July 1992.
20. B.S. Bedi, D.G. Police, *The Times of India*, 3 February 1993.
21. PTI, 9 July 1992.
22. 'Kashmir Under Siege', Asia Watch Report, New York, May 1991, p. 155.
23. *Ibid*, p. 148.
24. *The Times of India* 17 July 1991.

25. *The Daily Excelsior,* 21 April 1992.
26. *Ibid*
27. *Kashmir Times,* 12 April 1992.

8

Wider Perspectives

An objective survey of the long-term trends and short-term events attempted in the preceding pages may provide certain hypotheses which can be further tested in a wider perspective of theoretical generalizations based on ample empirical evidences and scholarly analyses of ethnic and terrorist movements in other parts of the world.

Terrorism in Kashmir, or for that matter anywhere else, cannot be ascribed to administrative or economic reasons alone. Administrative excesses and lapses cause individual grievances which rarely lead to political terrorism. Similarly, poverty and unemployment may cause class discontent but not community discontent. Economic misery or neglect and victimization by the administration can cause discontent in a community—ethnic or religious—only if it perceives them as part of a policy of discrimination. It is deprivation of political power that in turn is at the root of this perception; due to which the community believes that its dignity and identity are threatened. Economic aid, however generous, often fails to compensate sentiments of dignity and, in some cases, hurts the pride of the community. Again, community discontent is a necessary but not a sufficient condition in the case of a secessionist-terrorist movement. It would often seek secessionist outlets if the political system does not have adequate provision for its expression. Finally, if there are no peaceful avenues for the expression of a secessionist movement, it might assume a terroristic form.

These pre-requisites for a secessionist-terrorist movement were gradually added to the Kashmir situation. It brings to light the

failure of Indian nationalism, federalism, democracy and above all Indian secularism to accommodate the aspirations of the Kashmiri Muslims.

QUESTIONS OF IDENTITY AND FREEDOM

Kashmir's aspirations for identity and freedom which initially motivated it to accede to the Indian Union were frustrated due to a number of reasons discussed in the earlier chapters. These urges have emerged as basic human urges in modern times, as acknowledged by post-modern political thought and eloquently confirmed by the developments in what was the Soviet bloc and in the Soviet Union. The uprisings in Kashmir, significantly, not only synchronized with but also drew their main inspiration from these developments.

This is not to undermine the Muslim aspect of the problem. If the Kashmiris were not overwhelmingly Muslim, their loyalty would not have become suspect so soon. Obviously, Pakistan's continued involvement in the problem in that case would not have been so intense, emotionally and politically. But the problem is too layered to be treated as merely an extension of the unresolved Hindu-Muslim conflict of the forties. It also cannot explain the behaviour of the Kashmiri Muslims who supported accession to India and of Hindu communalists who opposed it in 1947.

That the Kashmiri aspect of the secessionist-militant movement is no less pronounced would be obvious from the fact that all non-Kashmiri Muslim communities of the State—Dogra, Punjabi, Gujjar, Pahari and Ladakhi—remained in varying degrees of non-involvement for the most part despite efforts by communal elements of both the communities. The Muslims in Jammu city and some other towns of the region closed their shops in protest against the excesses of the security forces in Kashmir for the first time after the carnage in Sopore on 6 January 1993. It is equally significant that Pakistan played the Kashmiri card in its latest Kashmir venture and not merely the traditional Islamic card it used to do in the past. The militant movement in Kashmir which was initiated by the Jammu and Kashmir Liberation Front evoked a response far beyond the expectations of Pakistan mainly because of its slogans of *kashmiriat* and *azadi;* which, not long ago were considered taboo and illegal in Pakistan-held Kashmir.[1] *Kashmiriat* and *azadi* are the twin-edged

weapons which a shrewd and enlightened Indian leadership had used against Pakistan in 1947. Subsequently however, Indian leaders have allowed Pakistan to use them against India. Two factors that further encouraged the drift towards terrorism in Kashmir were the easy availability of arms and training just across the 640 km long Line of Actual Control between India and Pakistan, a large part of which is porous. Despite the formal denial of the Government of Pakistan, its active involvement in sustaining the armed insurrection in Kashmir is well established. Evidence supplied by the American satellites and intelligence agencies, foreign correspondents and admissions by militants attests not only to the regular supply of arms and to the existence of training camps, but their precise location and number within Pakistan's jurisdiction as well. The British Home Secretary, Kenneth Clark, during his visit to Pakistan on 7 January 1993, observed that a lot of "military equipment was going over the border from Pakistan into Kashmir."[2] In a move to prevent Pakistan from promoting terrorism in Kashmir, the US ambassador in Pakistan, in a letter to the Pakistan Foreign Secretary Shahryar Khan, is reported to have said that the "US has not taken the step on information and evidence provided by India" and that it had used its own sources to gather information on the subject.[3]

The other factor that provoked Kashmiri Muslims to support violent and terrorist activities was the constant taunt that they were docile, timid and non-martial. Jayaprakash Narayan once lamented that every time he warned against possible adverse reaction to the politics of the Government of India in Kashmir, the stock official argument was that Kashmiris were incapable of revolt. The non-violent and civilized character of the community was thus condemned as its weakness and and was seen as an alibi for repression. Seeing the disillusionment of the people of Kashmir with Pakistan and the militants, the Union home minister on his visit to Kashmir in July 1992, was optimistic of a solution to the Kashmir problem, on the grounds that the "Kashmiris were docile."[4] When a few odd terrorist attacks on policemen and some attempts at blasts in 1988 failed to cause loss of lives, they were cited by a section of the media and a cynical public as further evidences of the fact that a Kashmiri could not be a successful terrorist. Some even alleged that these were state-managed in order to divert the attention of the people from their problems. As such when real and

effective acts of terrorism were unleashed and the terrorists exchanged gun shots with the security forces, the sense of thrill felt by the Kashmiri Muslims was perhaps more psychological than political. For them it signalled that they were finally a martial community and had shaken off the centuries-old "stigma" of being thought too "cowardly".

No Kashmir policy can succeed without taking into account the political and psychological urges of the people. The controversy over whether the policy should be tough or soft, whether it should be based on nationalist or moral appeal, on realpolitik or idealpolitik is unreal and irrelevant here. The real and relevant question is what is and what is not a correct assessment, a correct diagnosis, a correct strategy and a correct mix of force and tact. After all Gandhi's idealpolitik had triumphed over Jinnah's realpolitik in Kashmir. Similarly, the emotional bond between the State and the Centre which had ruptured in 1953 was repaired by Jayaprakash Narayan's moral offensive against the so-called nationalist policy of the Government of India. This policy was based mainly on repression and corruption, and was formalized with the Indira-Abdullah accord of 1974. Despite the monumental achievements of moral giants like Gandhi and Jayaprakash Narayan in raising India's esteem and international stature as well as in extending its political boundaries, a school of thought dismisses the role of the moral and ideological force. It relies exclusively on the forces of fanaticism, hatred and muscle power which found their crudest expression at Ayodhya on 6 December 1992 and its aftermath elsewhere in the country.

THE CARROT AND STICK POLICY

The Kashmir policy of the Government of India has been marked mainly by what may be called the carrot and stick approach. But what are its net achievements? Take the instance of what followed the arrest of Abdullah in 1953 when the brute force of the Bakshi regime failed to suppress popular unrest. It was then supplemented by lavish central aid to the State along with the supply of rice at heavily subsidised rates. But neither stick nor carrot helped Bakshi win over Abdullah's following. The subsidy was withdrawn by Abdullah when he returned to power in 1975. Yet, he won a mas-

sive popular mandate over the issue against the Janata Party which had promised to restore the subsidy in the assembly elections of 1977.

More generous central aid was once again promised in exchange of Farooq's agreement to share power with the Congress in 1986. Earlier,G.M. Shah's government was imposed on Kashmir through prolonged curfews. However, money could not buy the "poor" Kashmiri now just as force under G.M. Shah's "government" could not subdue the "docile" Kashmiri. A campaign of hatred was launched against the Kashmiris for being ungrateful and refusing to sell their conscience despite the lavish aid. That a major part of the aid was used to form a nexus of corrupt politicians, bureaucrats and businessmen could only arouse a sense of indignation in the masses.

Force and aid were used as instruments to win the loyalty of the people not for the nation but for the Government and the party in power. Unlike other Indians, a Kashmiri was required to prove his patriotism not only by being loyal to the counry but also to the governments in the State, at the Centre and to the parties in power at both places. For the Kashmiris, anti-Pakistanism is an additional compulsory test of loyalty. These tests are analogous to the virginity tests which were once prescribed exclusively for single Asian women entering the UK and which had aroused the justified indignation of the people of Asia. Why should people in Kashmir have reacted differently unless they were considered less than human beings?

Again, Jammu and Kashmir is the only part of India where people were never allowed to choose their own government, except in 1977. One-party rule was almost always imposed. Civil liberties were denied most of the time and cultural and regional identities were never recognized as all its three regions had to submerge their respective identities within a unitary state. Kashmiri was not a recognized constitutional language, nor was Dogri included in the eighth schedule of the Constitution. Every voice of dissent and discontent was called secessionist in Kashmir and communalist or regionalist in Jammu. Yet the myth spread that Kashmir was the most favoured and privileged part of India, causing heartburn and jealousy against its people in the rest of the country.

PLEBISCITE AND ARTICLE 370

Another myth so assiduously perpetuated is that commitments to plebiscite and Article 370 of the Constitution were a part of Nehru's policy of appeasement of the Kashmiri Muslims. Both issues have been dealt with at length in their respective contexts. But the fact that needs to be re-emphasized here is that the collective wisdom of the entire leadership of India at that time, whether within the government or in the opposition, considered these commitments as the only way to make the State a part of India.

M.J. Akbar has correctly pointed out that Sardar Patel and Dr. Shyamaprasad Mukherjee were members of the front row of the treasury benches in Parliament when commitment for the UN-overseen plebiscite was made by the Government of India. Similarly, both were members of the Cabinet when it accepted Article 370.[5] It is, however, true that Patel did not share Nehru's faith in the Muslims of Kashmir and, therefore, was not keen on the State's accession to India. He had conveyed to Maharaja Hari Singh through Mountbatten, that if he acceded to Pakistan, the Government of India would not take it amiss.[6] Akbar quotes H.V. Hodson, who "is puzzled over Patel's negligence" towards Kashmir:

> Kashmir was *deliberately omitted* [italics mine] from a committee of States representatives called by the pre-independence States Department to discuss terms of accession, though Hyderabad was invited.... After independence, a representative of the Kashmir Government who sought a lead from the States Ministry on the choice between India and Pakistan, was told by the Secretary (V.P. Menon) that the Government of India could give no guidance in the matter.[7]

Further, it is generally believed that the Maharaja's prime minister, Mehar Chand Mahajan was appointed on the advice of Patel. Mahajan's statements in favour of independence of the State may perhaps provide an insight into the mind of the then deputy prime minister of India.

Sheikh Abdullah records in his autobiography, *Atash-i-Chinar*, that at a meeting held in Delhi at Sardar Patel's residence in early 1949, Patel said: "India had gambled in Kashmir which it has lost. We should therefore give up Kashmir."[8] Besides Abdullah and Bakshi, the meeting was attended by Nehru, Azad and Ayyangar.

However, Patel was and continued to be party to the decision of the Government of India and the Congress in particular on the issue of plebiscite. In a statement on 14 November 1947, he had said:

> About Junagarh, Hyderabad and Kashmir, it is our considered opinion that whatever the decision of the people, accession should be settled according to that.

It was obvious to Patel as also to everybody else, that this way at least two Hindu majority states would be acceded to India. Nehru was confident (in view of the situation then prevailing, the confidence was not misplaced) that India could win a plebiscite in all the three states. Patel realized that if at all the "gamble" in the third state could be won, Nehru was far better placed than he was. He therefore supported Nehru's game plan for Kashmir out of a genuine conviction and not under any compulsion. Refuting all speculation about his differences with Nehru, Patel assured him, "I am not aware of any differences between you and me on the matter of policy relating to Kashmir."[9] He was no less conscious than Nehru of Sheikh Abdullah's crucial importance in Kashmir. In a letter written to Maharaja Hari Singh on 21 October 1947, he said, "I myself feel that the position which Sheikh Abdullah takes is understandable and reasonable. In the mounting demand for the introduction of responsible government in the states, such as you have witnessed in Travancore and Mysore, it is impossible to isolate yourself".[10]

It was again Patel who dealt with the issue of Article 370 in the Constituent Assembly, as Nehru was abroad at that time. His private secretary V. Shankar recalls in his book, *My Reminiscences of Sardar Patel*, that when the article was discussed in the Congress party executive council, there was strong opposition to it. But, it was left to the Sardar to bring the discussion down to the practical plane and to plead that because of international complications, a provisional approach alone could be made. The party, thereafter, fell in line.

It has been argued that Patel acted against his better judgement and out of loyalty to Nehru.[11] But there is no evidence that his judgement was any different before or after the adoption of the constitutional provision regarding the status of the J & K State. In fact he had given a clear assurance to the Indian states in general in these words: "We do not want anything more than accession in

three subjects, therein lies the good of the entire country. We respect their independence in an all other matters". However, under pressure of their respective people, the princes of the other states surrendered their autonomy which neither the prince nor the majority of the people of J & K wanted to do. Referring to the State, Patel reiterated, "in view of the problems confronting Kashmir, we have enacted a special provision to continue the existing relationship between the Union and this State." Those who argue that Patel took this stand out of loyalty to Nehru insult him by implying that he was a blind follower with no conviction of his own. His published correspondence belies this insinuation. For, he never failed to express and record his dissent.

Mukherjee's position as member of the Cabinet was no different from that of Patel or for that matter Nehru on the issues of plebiscite and Article 370. He did not oppose the article even after resigning from the Government of India and becoming the president of the Bharatiya Jana Sangh as far as its application to Kashmir was concerned. In his presidential address at the first conference of the Sangh in December 1951 at Kanpur, he said, "We would readily agree to treat the valley in any special manner and for such time as he (Abdullah) would like." He reiterated this view in his letter to Pandit Nehru on 9 January 1953.

Mukherjee had reservations about the imposition of Article 370 on the unwilling people of Jammu and Ladakh and demanded that "Jammu and Ladakh must be fully integrated with India."[12] In the course of the Nehru-Mukherjee-Abdullah correspondence, Nehru pointed out the implications of breaking the unity of the State, which, according to him, Pakistan and other interested quarters were also attempting. Mukherjee responded to Nehru's point positively and in his letter to Nehru dated 17 February 1953, agreed to support the cause of unity of the State, Article 370 and the Delhi agreement on Centre-State relations with a proviso that "the principle of autonomy will apply to the province of Jammu as a whole and of course also to Ladakh and Kashmir."[13]

This was precisely the assurance that I had sought and got from Nehru and Abdullah on the eve of signing the Delhi agreement. Unfortunately, after the death of Mukherjee, the Jana Sangh started and continued to oppose in its various *avatars* the formula of regional autonomy and Article 370. What is significant is that Mukherjee had never opposed the controversial article in its application

to the Kashmir valley and had later veered round to support its application to Jammu and Ladakh also. The main opposition parties like the socialists and the communists had unreservedly accepted the validity of Article 370 at that time when the Jana Sangh was merely a marginal phenomenon. In fact, it was Nehru himself who had expressed the hope that the Article would be gradually eroded (*Ghiste ghiste ghis jaegi*). He wished to do it through a process of persuasion and not coercion. Perhaps he underestimated the Kashmiri urge for autonomy which became sharper due to the provocation of the Jana Sangh-Parishad agitation in 1953. According to the then Director, Intelligence Bureau, the agitation had given such a shock to Nehru also that for the first time he had become doubtful about the future of Kashmir.[14]

Nehru was undoubtedly the greatest 'outside' influence in moulding the course of political events in Kashmir since the mid-thirties. He had aspired to make it a willing part of independent India and thereby found a secure basis of a secular India, thus ensuring its decisive ideological superiority over Pakistan. Nehru did not quite succeed; except in making Kashmir a part of India in a legal and physical sense. One of the reasons for his failure was that his main instrument of Kashmir policy, Abdullah did not quite measure up to his historic role. Circumstances took his stature to towering heights. At the time of Nehru's death in 1964, he seemed to be the tallest leader in the subcontinent. Yet his intellect did not match his growing stature. He failed to reconcile the divergent aspirations of the three regions of the State and symbolise its composite personality. His articulation of Kashmiri aspirations, too, was often subjective and lacked sophistication. The Nehru-Abdullah friendship was unable to withstand the strains of the unreconciled demands of Indian nationalism and Kashmiri nationalism.

REALPOLITICK VS IDEALPOLITICK

Nehru was above all a nationalist. He subordinated claims of democracy, morality and sub-national aspirations to what he perceived to be the claims of nationalism. He gave up efforts to reconcile both sets of claims. He connived at regimentation, repression, rigged elections, corruption and nepotism in Kashmir in the name

of national interest. This sowed the seeds of alienation which sprouted later when more nourishments were added.

Nehru's realpolitik role was not a patch on his idealpolitik role. The idealpolitik in him reasserted itself towards the evening of his life. In a rare feat of courage and statesmanship, he had Abdullah released from prison, invited him to Delhi as his personal guest, charmed him with his transparent sincerity, sent him to Pakistan for a subcontinental solution to the Kashmir problem and thus rekindled new confidence and hope in the State and the two contending countries for a lasting solution to the problem. With his sudden death on 27 May 1964, the promise of his new initiative also died. Standing near the *samadhi* of his great friend, with tears rolling down his cheeks, I heard Abdullah say: "Had I known that the end of Panditji was so near, I would have settled the Kashmir issue with him without going to Pakistan."

Despite the way Nehru's government had treated the people of Kashmir in the previous eleven years, he still had the capacity to inspire them, both emotionally and intellectually. He had this potential despite the fact that he represented a nation that had not yet recovered from the backlash of partition and was thus still too insecure to tolerate and trust an assertive Kashmiri Muslim community. He also had to function through a myopic bureaucracy and a decadent Congress party.

Personalities like Gandhi, Nehru and Jayaprakash Narayan have left a vacuum not only in the field of politics but also of ideas, at the national level. In Kashmir, the generation that worshipped Abdullah is almost gone. With it the entire galaxy of leadership of the freedom movement—Masoodi, Beg, Bakshi, Sadiq—too has left the scene. (G.M. Karra could never attain a similar stature since he left the team.) The generation that followed was corrupted and purchased by Delhi. A third generation has taken over, uninfluenced by the charisma of the first and the opportunism of the second. While *kashmiriat* has acquired fundamentalist tendencies and violent expresssions, desperate bids were being made particularly in 1992-93 to hijack Indian nationalism.

The chasm between the descendants of Nehru and those of Abdullah is, therefore, much wider than it ever was between the two friends. But the present generation has also the advantage of learning, if it chooses to, from the much wider experience of the past generations, including their failures. It can also learn from the ex-

perience of the other parts of the world, in the making and unmaking of nations, the emergence and assertion of ethnic identities and the universal upsurge for freedom.

LIMITS OF MILITANCY AND STATE REPRESSION

Notwithstanding the apparent success of the militant youth in articulating the political and psychological urges of the bulk of Kashmiri Muslims, its limitation, not only in matching the might of the Indian State but also in resolving its internal contradictions, were bound to manifest sooner or later. How would, for instance, the difference between the pro-Pakistani and the pro-independence groups be resolved if they ever succeeded in their common objective of "liberation"? If the pro-independence group somehow triumphs, how would the defence of independent Kashmir be managed? How would, what is called "Azad Kashmir" be liberated from Pakistan? Similarly, those who seek Kashmir's merger with Pakistan have yet to clarify how its identity will be more secure than it has been within India. If the militants had been settling their differences with those who preferred the Indian framework for Kashmir by physically eliminating them, how can the same method be avoided in settling differences between those who are seeking Kashmir's destiny outside India? Would the role of violence as the final arbitrator of all differences, in that case, ever end? Would the militants concede to the Kashmiri Muslims, forgetting for a while the right of non-Kashmiris and non-Muslims to debate the pros and cons of various options about their future, including the option of remaining within India? Would the Indian State be more liberal than the militants in conceding similar freedom of dialogue on the issue, including a right to discuss various aspects of secession? Will Pakistan allow the amendment of the constitution of "Azad Kashmir" to permit any view other than that of remaining a part of Pakistan to be expressed?

The Kashmir problem in its present form is another name for the collapse of dialogue—militancy has become an alternative form of dialogue. Dialogue *per se* has collapsed all along the line—between religious communities, ethnic identities and regions of the State. More ominously it has collapsed between the various schools on Kashmir in the whole country. It has turned into an issue, a discus-

sion of which respects neither motives, nor facts, nor logic. For certain sections, the issue is too simple to require a discussion. All that is needed, according to this view point, is to crush the Kashmiri revolt with all the Indian might, whatever be the cost. This is thoughtless rhetoric. The Kashmir issue is not merely a dispute between two parties over real estate which can be settled by whosoever is mightier. The Government of India has repeatedly said that the task of the security forces needs to be supplemented by a political process. The challenge of Kashmir is not merely of arms, supplied from across the border. It is a political and moral challenge as well.

Even if it is conceded that the Indian State is mighty enough to crush the upsurge in Kashmir and the aspirations of its people, the cost of keeping a subjugated and humiliated people as a part of the country will become increasingly prohibitive. The cost would be in terms of suppression of the democratic character of the Indian State, its secular and moral basis, the civilizational values of the nation as well as its international prestige. A fascist or a military regime may in the short run be able to maintain the unity of a nation better. But apart from the price it extorts from the people of the country, such a unity is not known to last long. India's intellectual, moral and ideological reserves have certainly not been so depleted that it should dismiss any consideration of policy options, the cost of which is less prohibitive.

An overall multi-pronged policy for Kashmir should be discussed and evolved in a wider perspective. This should include questions relating to the role of sub-national identities in the process of nation building: the optimum quantum of autonomy which could be granted to them, the constitutional and political aspects of Centre-State relations, contradictions between uniformity and unity, the degree of tolerance towards diversity, dissent and defiance within the State system, the nature of the State and its institutions and, above all, the concept and character of Indian nationalism.

WIDER PERSPECTIVES

A wider perspective which takes into account the subcontinental and South Asian realities may be even more appropriate for this.

In the context of the growing resurgence of ethnic identities in the region—which, in fact, is a universal phenomenon—in particular of the transnational kind, Kashmir should, on account of its unique geo-political position, be an ideal testing ground and a showpiece for India's ethnic policy. Instead of the unrealistic policy of making anti-Pakistanism the acid test of Kashmiri patriotism, Kashmir should have been encouraged to spearhead a national friendship offensive against the country's vital western neighbour.

Neither has Kashmir exhausted the potentialities of what it could achieve as a constituent part of the Indian republic, nor has the republic fully explored the potentialities of what it could achieve with such a region being a willing and contented part of it. An intelligent and rational ethnic policy is necessary for a country like India not only to deal with fissiparous tendencies within but also as a source of inspiration and cultural influence for its neighbours. As the biggest country of South Asia, India's status in the region would largely depend on the success of this policy. India's regional status would, in turn, largely determine its place in international politics.

NOTES

1. Article 7(2) of the Azad Jammu and Kashmir Constitution Act 1974 says, "No person or political party shall be permitted to propagate, or take part in activities prejudicial or detrimental to the ideology of the State's accession to Pakistan.
2. *The Times of India*, 9 January 1993.
3. *Ibid.*
4. *Kashmir Times*, 3 July 1992.
5. M.J. Akbar, *Kashmir Behind the Vale*, Viking, 1991, p. 125.
6. Allan Campbell, *Mission with Mountbatten*, London, 1951, p. 120.
7. H.V. Hodson, *The Great Divide: Britain, India, Pakistan*, quoted by M.J. Akbar, *op cit*, p. 102.
8. Sheikh Mohammad Abdullah, *Atash-I-Chinar*, Srinagar, 1986, p. 513.
9. Letter to Nehru, 8 October 1947, cited in Durga Das [ed.] *Sardar Patel's Correspondence*, Ahmedabad.
10. *Ibid.*
11. See L.K. Advani's article in *Indian Express* on 17 February 1992.
12. Balraj Puri, *Jammu: A Clue to Kashmir Tangle*, 1966, Appendix.
13. *Ibid.*
14. B.N. Mullik, *My Years with Nehru*, 1971, p. 30.

Chronology of Important Events in Kashmir

1586	Akbar annexes Kashmir to his Mughal empire.
1846	Jammu and Kashmir state created under the Treaty of Amritsar between the East India Company and Raja Gulab Singh of Jammu who became the ruler of the new state on payment of Rs. 75 lakhs.
1931	Beginning of organized political movement in Kashmir.
1932	Sheikh Mohd. Abdullah sets up the All Jammu and Kashmir Muslim Conference.
1939	The Muslim Conference becomes the National Conference.
1946	National Conference launches Quit Kashmir movement demanding abrogation of the Treaty of Amritsar and restoration of sovereignty to the people of Kashmir. Abdullah and his colleagues arrested.
1947	
15 Aug.	Standstill agreement between the Government of Pakistan and the state government.
29 Sep.	Sheikh Abdullah released from prison.
4 Oct.	Ghulam Nabi Gilkar declares the formation of a parallel government in the state. Revolt in Poonch area.
15 Oct.	M.C. Mahajan appointed Jammu and Kashmir prime minister by Maharaja Hari Singh, offers friendship to both India and Pakistan.
20 Oct.	Bakshi Tek Chand, retired judge of Punjab High Court appointed to frame the constitution of the state.

27 Oct. Maharaja Hari Singh signs Instrument of Accession to the Indian Union, endorsed by Sheikh Abdullah. Indian troops despatched to defend the state against raiders from Pakistan. Abdullah appointed head of emergency administration.

1 Nov. Mountbatten's offer to M.A. Jinnah to resolve Kashmir issue through people's verdict is declined.

1948

1 Jan. India complains to the UN Security Council about Pakistan's aid to tribal raiders and offers to hold an internationally-monitored plebiscite on the state's future after the raiders are cleared.

13 Aug. A UN commission proposes that the future of the state be determined in accordance with the will of its people. India accepts.

20 Dec. Pakistan also accepts UN proposal.

1949

1 Jan. Cease-fire between Indian and Pakistani forces in the state leaves 84,000 square km of its area under Pakistani control.

9 Jun. Maharaja Hari Singh abdicates in favour of his son.

17 Oct. Indian Constituent Assembly adopts Article 370 of the Constitution.

1950

19 Sep. UN mediator, Sir Owen Dixon recommends allocation of the Kashmir valley and the partitioning of the rest of the state between India and Pakistan.

1951

20 Nov. Interim constitution of the state comes into effect.

1952

24 Jul. Agreement in Delhi between Abdullah and the Government of India on centre-state relationships provides for autonomy of the state within India and of regions within the state.

14 Nov. Jammu and Kashmir assembly elects Karan Singh as head of the state.

17 Nov. Jammu Praja Parishad, supported by Bharatiya Jana Sangh, Hindu Mahasabha and Ram Rajya Parishad agitates for "full accession".

1953

9 Aug. Sheikh Abdullah dismissed and arrested. Bakshi Ghulam Mohammad succeeds him as prime minister of the state.

20 Aug. Prime ministers of India and Pakistan agree to appoint a plebiscite administrator by the end of April 1954.

1954

Nov. The Praja Socialist Party sets up a unit in the state, forming the first nationalist opposition party in Kashmir.

1955

10 Dec. Soviet leaders Khrushchev and Bulganin declare in a speech in Srinagar that the people of the state had already decided to be part of India.

1956

30 Oct. The state constituent assembly adopts a constitution for the state which includes unamenable provision that it is an integral part of the Indian Union.

1957

6 Sep. G.M. Sadiq and his group resign from the ruling National Conference to form the Democratic National Conference (DNC).

1958

Nov DNC merges with the present National Conference.

1959

1 Apr. Permit system for entry to the state abolished.

1 Oct. The state constitution amended to extend jurisdiction of the Union Election Commission to the state and bring its High Court at par with those in the rest of India.

1963

11 Oct. Bakshi Ghulam Mohammad resigns under Kamraj Plan (The Plan required all central and state ministers to submit their resignation to the Prime Minister of India). Shamsuddin succeeds Bakshi as prime minister of the state.

27 Dec. Mass upsurge in the valley on disappearance of the holy relic from the Hazratbal shrine.

1964

4 Jan. The Government announces recovery of the lost relic.

1 Mar. G.M. Sadiq succeeds Shamsuddin as the prime minister of the state.

8 Apr. Abdullah released, conspiracy case against him withdrawn.

29 Apr. Abdullah visits Delhi as Prime Minister Nehru's personal guest and holds talks with him.

25 May. Abdullah and his colleagues visit Pakistan. Pakistani president, Field Marshal Ayub Khan, rejects his proposal for India-Pak-Kashmir confederation.

27 May. Nehru passes away, Abdullah returns from Pakistan.

22 Sep. Former prime minister of the state, Bakshi Ghulam Mohammad arrested under the Defence of India Rules.

21 Dec. Extension of Articles 356 and 357 of the Indian Constitution to the state provokes strong protest in the valley.

1965

2 Mar. J&K National Conference becomes J&K Pradesh Congress Party.

10 Apr. Head of the government and the state to be called chief minister and governor respectively. Governor to be nominated by the President of India and not elected by the State Assembly as done previously.

5 Aug. Armed Pakistani infiltrators cross cease-fire line.

1 Sep. Pakistan army attacks at Chhamb across international border.

6 Sep. India retaliates at Lahore and Sialkot sectors.

23 Sep. India and Pakistan declare cease-fire.

1967

2 Feb. People's Representation Act applied to the state.

18 Apr. Jammu Autonomy Forum formed.

6 Nov. Government appoints Gajendragadkar Commission to consider the demands of the forum.

1968

10 Oct. J & K People's Convention to decide the future of the state under Abdullah's presidentship.

29 Nov. Gajendragadkar Commission recommends statutory regional development boards.

1971

14 Jan. Plebiscite Front led by Abdullah banned by the Union Home Ministry under Unlawful Activities Act, to prevent it from taking part in elections.

3 Dec. Pakistani forces attack India on the western front in retaliation to India's involvement in the Bangladesh liberation struggle.

12 Dec. Syed Mir Qasim becomes State Chief Minister on the death of G.M. Sadiq.

17 Dec. Pakistani forces surrender in East Pakistan which be-

comes Bangladesh. Cease-fire follows on the western front.

1972

2 Jul. India and Pakistan sign the Simla Agreement. This rationalizes cease-fire line in the state as the line of actual control and commits the two governments to resolve the Kashmir dispute through bilateral talks.

1974

13 Nov. G. Parthasarthy and Mirza Mohammad Afzal Beg sign Kashmir Accord as representatives of Prime Minister Indira Gandhi and Sheikh Abdullah respectively.

25 Feb. Abdullah sworn in as chief minister of the state after Congress legislative party offers to support him.

5 Jul. Plebiscite Front dissolved and National Conference revived with Abdullah as president.

1977

27 Mar. Abdullah resigns after Congress party withdraws support in the assembly. Governor's rule imposed, assembly dissolved on the advice of the council of ministers.

30 Jun. First free and fair elections to the state assembly.

4 Jul. Election results declared. National Conference gets 47 out of 76 seats.

1979

30 May. Sikri Commission appointed after an agreement between the state government and the All Party Action Committee of Jammu to inquire into regional grievances.

1981

23 Jan. Abdullah nominates his son Farooq as his successor.

1982

8 Sep. Abdullah dies. Farooq sworn in as chief minister.

1983

5-6 Oct. Farooq hosts conclave of opposition parties in Srinagar.

1984

14 Jan. Six Congress workers killed in police firing on a protest demonstration.

11 Feb. Maqbool Bhatt, founder of Kashmir Liberation Front hanged and buried in Delhi jail.

2-6 Apr. Jagmohan sworn in as Governor.

2 Jul. Farooq Abdullah ministry dismissed. G.M. Shah sworn in as chief minister.

1985

15 Aug. Police fire on anti-India demonstration.

1986

7 Mar. Shah government dissolved.

25 Jul. JKLF chief Amanullah deported from London.

7 Nov. Farooq returns to power after agreeing to share power with Congress.

1987

19 Jan. 14 Muslim parties form Muslim United Front.

23 Mar. Elections to the state assembly, many MUF leaders arrested, allegations of rigging.

7 Nov. Bar Association leads Jammu agitation against government's decision to curtail annual move of departments from the summer capital, Srinagar to winter capital, Jammu.

14 Nov. Agitation called off after the government rescinds Durbar order.

1988

10 Jun. Firing at protest demonstration in Srinagar against hike in power tariffs. Three killed. Three-day *bandh* in the valley.

13 Jun. Protest against Srinagar firings continue.

15 Aug. Anti-India demonstrations. Curfew imposed.

17 Aug. Demonstration on the death of Pakistani president, Zia-ul- Haq.

18 Aug. Four killed in police firing.

26 Aug. Three killed in police firing.

27 Aug. Curfew lifted after 13 days.

1989

13-14 Feb. *Bandh* against Salman Rushdie's book *Satanic Verses*, fifty injured in clash with police.

27 Feb.–4 Mar. Renewed protests against police firing in Bombay on Muslim demonstrators on the same issue, repeated clashes between police and the demonstrators in Kashmir.

3 Apr. Demonstration in Srinagar to protest against the "indiscriminate arrests of the youth", two bombs thrown at police.

8 Apr. Demonstrations and clashes with police continue, occasional firing by police and grenade attacks by youth.

7 May. JKLF calls four-day *bandh*.

11 Jul. General K.V. Krishna Rao sworn in as new governor.
19 Jul. JKLF calls one-day *bandh* to protest against police atrocities.
20 Jul. Communal clashes in Leh (Ladakh).
15 Aug. *Bandh* in Kashmir on India's independence day.
21 Aug. First political murder; a National Conference worker, Yusuf Halwai shot dead by militants.
8 Sep. Abdullah's death anniversary, mass rally by National Conference at his tomb condemning terrorist activities.
14 Sep. BJP leader, Jia Lal Taploo shot dead by militants.
7 Oct. People of Ladakh given Scheduled Tribe status.
4 Nov. Former Sessions Judge, Neel Kanth Ganjoo, (he had sentenced JKLF founder Maqbool Bhatt to death) shot dead.
8 Dec. JKLF kidnaps Rubaiya Sayeed, daughter of Union Home Minister, Mufti Mohd. Sayeed.
13 Dec. Rubaiya released in exchange for five JKLF imprisoned leaders, victory celebrations by JKLF.
15 Dec. Curfew in the valley, five killed in firing by security forces.

1990

19 Jan. Jagmohan appointed governor. Farooq resigns as chief minister.
20 Jan. Night-long house-to-house searches in Srinagar, protest demonstrations against excesses of the security forces, 35 killed in Srinagar in firing by the forces, indefinite curfew imposed.
22 Jan. Eight killed in firing by the security forces in Srinagar, 200 state police personnel hold protest demonstration against killings of three of their colleagues by paramilitary forces.
13 Feb. Srinagar Doordarshan Director, Lassa Koul shot dead.
16 Feb. State assembly dissolved on the orders of the Governor.
1 Mar. Mass exodus of Kashmiri Pandits begins, 30 killed in firing at Zakura near Hazratbal and Barzala by-pass in Srinagar.
24 Mar. Independent ex-MLA Mir Mustafa kidnapped by Hizbul Mujahideen and killed on 28 March.
6 Apr. Kashmir University Vice-Chancellor Mushir-ul-Haq, his private secretary Abdul Ghani and HMT General Manager H.L. Khera kidnapped by J & K Students

Liberation Front. Khera killed on 10 April, Mushir-ul-Haq and Abdul Ghani killied on the following day.

21 May. Mirwaiz Maulvi Mohd. Farooq shot dead, firing on mourning procession killing over 50 persons.

24 May. Governor Jagmohan resigns.

26 May. Girish Chandra Saxena appointed governor. *Bandh* in Jammu.

1991

30 Apr. Anti-Pakistan demonstration in Srinagar following killing of a JKLF area commander by Hizbul Mujahideen.

5 May. 73 militants killed near border.

8 May. Fourteen people killed as security forces fire at a funeral procession at Khanyar (agencies put the toll at 50).

1992

26 Jan. *Ekta Yatra* to Kashmir by BJP president. National flag hoisted at Lal Chowk, Srinagar, amidst massive security arrangement.

11 Feb. JKLF chief Amanullah leads peace march in POK to cross LAC. Twelve persons killed in clashes between the marchers and the police.

30 Mar. Pakistan forces arrest 500 JKLF marchers in POK to prevent bid to cross the border.

14 Apr. Fourteen civilians killed by CRPF in retaliatory action after its commandant and deputy commandant were injured by the militants.

15 May. Seven killed in clashes between JKLF and Hizbul Mujahideen.

15 Jul. JKLF and Hizbul Mujahideen agree to bury their differences, accept self-determination of Kashmir as their common goal.

18 Jul. A sub-inspector of police, three CRPF men among six killed in Doda in Jammu region.

30 Jul. DG of BSF announces that a vigilance inquiry against an IG, a DIG and a commandant of BSF for alleged involvement in bribery is being completed and that two jawans were dismissed for raping a bride and her friend.

14 Sep. Prime Minister discloses action taken against 230 officers and men of the security forces in Jammu and Kashmir.

26 Oct. Abortive attempt to blow up an examination centre in Jammu by Sunil Koul and Suresh Bhan, former killed and

latter injured by their own bomb. RSS, BJP leaders pay tributes to them.

1993

7 Jan. 40 killed in Sopore in retaliatory action on civil population after two para-military force personnel were injured in an attack by the militants.

30 Jan. Sitting judge of Punjab and Haryana High court appointed to hold inquiry into the Sopore incident.

12 Mar. General K.V. Krishna appointed Governor of Kashmir.

23 Apr. State policemen go on strike against the killing of a constable, Riyaz Ahmed, in army custody. Demonstrations held and memorandum submitted to UN observer.

27 Apr. Army disarm striking policemen.

1 May Sopore areas gutted by fire following gun battle between BSF and militants.

2 May 110 policemen who had participated in the strike suspended.

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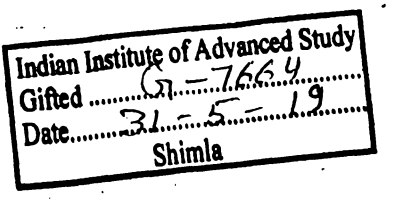

Kashmir : Towards Insurgency attempts to understand the nature and historical roots of the insurgency in Kashmir. It traces the complicated history of the early years after Independence when the stability of Kashmir was the subject of intense debate, and examines the process through which the emotional ties between Kashmir and the rest of the country were eroded and the basis of secular and democratic politics in the region were weakened. As the Indian state lost its legitimacy, militant groups gained popular support. This tract attempts to understand the logic of terrorism and secession and reflects on the ways in which such forces can be politically contained and democratic processes in Kashmir may be re-introduced.

This important tract is essential reading for anyone who is concerned with the future of Kashmir, and with the problem of regionalism, communalism and terrorism.

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