

# **Kashmir: Abolition of Article 370**

## **E Digest**

### ***Compilation of Relevant articles and youtube videos***

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## **Preface**

Kashmir has been in the news from last couple of months and the Government has abolished article 370 and Article 35A. At the same time the state has been split into two union territories.

All these actions of the government have been followed up by a massive propaganda that the Kashmir problem has been the doing of Pundit Jawaharlal Nehru, had Sardar Patel been dealing with the issue, the problem would not have been there. False claims are being made that Babasaheb Ambedkar was against Article 370. A video film has been released by BJP to propagate these falsehoods at broad level.

This compilation is an attempt to put forward the documented History, the events which led to accession of Kashmir with India and the rise of militancy there off, why the Constituent Assembly drafted Article 370 as the part of Indian Constitution. The basic similarities in the approach of Nehru and Patel on the issue of Kashmir are brought out. Also how Babasaheb opined on division of Kashmir into Indian and Pakistani part is also outlined.

We also have given the video links of some of the youtube videos on the topic.

Your feedback to this compilation is welcome.

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## Introduction

Introduction

Kashmir has been a vexed issue due to many reasons. The freedom of India came with the change in status of Princely states, who were asked to either remain Independent, or merge with India or merge with Pakistan. Kashmir decided to remain Independent. It was attacked from Pakistan side for which the Maharaja of Kashmir, Harisingh sought military help from India. This help came after the treaty of accession was signed between Maharaja Harisingh and Government of India. The Indian army, after it

captured 2/3 of Kashmir, ceasefire was declared and the matter was taken to United Nations, which that time was an effective International forum.

The prologue and backgrounder of this compilation give the complex history which led to rise of militancy, duly supported by Pakistan and later the Al Qaeda types worsened the situation. The process of democratization remained weak and the only response from India was to send more and more army to deal with the militancy. Intermittently dialogue was initiated with the dissident elements. Pakistan not only had initiated the military action, it kept fuelling the dispute. Pakistan has been guided by 'Two Nation theory' and since majority of people of Kashmir are Muslims, Pakistan presumes that Kashmir should be its part. Pakistan violated the UN resolution by not vacating the aggression. Intermittent process of dialogue gave hope of peaceful solution. Last few years this process of dialogue has been given a go by leading to more unrest in the Valley.

The BJP-RSS combine has been on spree to blame Nehru for all the issues in the area. They have been propagating that Kashmir issue became problematic due to Nehru's mistakes and that had Sardar Patel been handling Kashmir it would have been sorted out by now. The truth is that Sardar Patel was keener on merging Hyderabad in to India. About Kashmir he did state that if Pakistan lets Hyderabad merge into India, he will have no objections to Kashmir merging with Pakistan. Nehru is blamed for article 370; this is also false propaganda as this Article 370 came as an outcome of discussions in which Sheikh Abdullah, Pundit Nehru and Patel were all members. The decision of ceasefire was again taken in the defense committee of the Cabinet in which Sardar Patel was a member. Nehru agreeing to plebiscite was right as that was the norm and even in Junagadh, where Patel was key figure, plebiscite was conducted in which people of Junagadh opined to merge with India.

Some BJP leaders are also brining in Dr. Ambedkar to undermine Nehru. The truth of the matter is Ambedkar was far the Muslim majority part to be going to Pakistan as he outlines his opinion in his collected works (writings and speeches) part 14, part 2, page 1322.

Sardar Patel said at a public meeting in Bombay on October 30, 1948: "Some people consider that a Muslim majority area must necessarily belong to Pakistan. They wonder why we are in Kashmir. The answer is plain and simple. We are in Kashmir because the people of Kashmir want us to be there. The moment we realize that the people of Kashmir do not want us to be there, we shall not be there even for a minute... We shall not let the Kashmir down". (Hindustan Times October 31, 1948)

One just recalls in Junagardh which was handled by Sardar Patel, similar plebiscite was held after it was merged into India. In Kashmir, this was the part of resolution of UN. (See backgrounder and Karan Thapar's article)

Later Article 370 was brought up in Constituent Assembly and it became part of Indian Constitution. Those pointing fingers on Nehru forget that Sardar Patel and all tall stalwarts of freedom movement were part of the Constituent Assembly, which brought in Article 370 as a part of our Constitution. For formulating this article Sheikh Abdullah and his colleague Mirza Afzal Baig were made part of Constituent Assembly. So Sheikh's team along with Nehru and Patel were prime formulators of this provision.

As far referring the matter to United Nations is concerned L.S. Hardenia's article quotes the correspondence of Patel and Nehru as to how they had similar opinion on the issue. (Patel's letter to Nehru, dates 25<sup>th</sup> February 1950)

On the issue of cease fire, Karan Thapar points out, “However, a decision to ceasefire is not determined by generals alone. In 1948, Nehru had three good reasons for ordering one. He faced international pressure – specifically from the US – which a one-year-old country would have found hard to resist. Equally importantly, beyond the ceasefire line, the terrain and logistics were increasingly in Pakistan’s favor whilst the forces our Army would have confronted would be the Pakistan army and not the Pathan Lashkars.”

Thapar also says “There is, however, another way of looking at the matter. Mridula Mukherjee, a former director of the Nehru Memorial Museum and Library, says if India hadn’t gone to the UN, there was every likelihood Pakistan would have. Nehru needed to pre-empt that to ensure our case was heard as “victims” and not as alleged “aggressors”. Also, in the late 1940s, referring Kashmir to the UN was viewed as a high-minded and noble gesture. It was before the Cold War started and, therefore, impossible to perceive India would get bogged down in divisive politics.

But, as Mridula Mukherjee points out, this is precisely what Patel did when Junagadh acceded. In that case, a Muslim ruler was reluctant to merge a Hindu state with India. In Kashmir’s case a Hindu ruler merged a Muslim state with India. But the need to corroborate the accession decision with the wishes of the people was the same.”

Article from Quint (Gupta and Suman) tells us about Ambedkar’s opinion on Kashmir, *“Give the Hindu and Buddhist part to India and the Muslim part to Pakistan, as we did in the case of India. We are really not concerned with the Muslim part of Kashmir. It is a matter between the Muslims of Kashmir and Pakistan. They may decide the issue as they like.”*

BJP accusation that Patel was not taken into confidence about ceasefire is countered by A.G. Noorani who says “Volume 1 of Patel’s correspondence belies the charge that Patel was not taken into confidence. In that event, he was man enough to resign from the cabinet. The record was set out in full by a professional military historian, S.N. Prasad, based on interviews and official records. He was director, historical section of the Ministry of Defense. *History of Operations in Jammu & Kashmir* (1947-48) was published in 1987 by the history section of the defence ministry. The history’s analysis is set out here *in extenso*.”

Noorani confirms that “It (Article 370) was *negotiated* for six months from May 15, 1949 to October 16, 1949. The Union’s team comprised Nehru and Patel; Kashmiris’ team included Sheikh Abdullah and Mirza Afzal Beg. It was adopted by the Constituent Assembly of India on October 17. Nehru was away to US. Patel led the Union’s team and altered the text along with M. Gopaldaswamy Ayyangar as Patel’s letters dated October 16 and November 3, 1949 reveal.”

Elaborating on process of accession Noorani continues, “The Instruments of Accession, signed by all in 1947, adopted the bare federal structure under the Government of India Act, 1935. It was adopted by

India as its provisional constitution under the India Independence Act, 1947. All the princely states accepted Part B of India's new constitution. Kashmir alone adopted by another Instrument the Constitution with its Article 370, which it had negotiated with the Centre for five months, only to be deceived five years later."

The decision of ceasefire, as pointed out was the best option at that time. It was not just taken by Nehru; it was outcome of the deliberations of the Defense committee of the Cabinet, which had Nehru and Patel both as members.

Quint article also points out that many top BJP leaders are quoting Ambedkar to show his opposition to Article 370. They quote "So, what about the quote that Vice President Naidu and Union Minister Meghwal have used in their articles pertaining to Ambedkar and Article 370? This is how [they quoted](#) Dr Ambedkar: "You want India to defend Kashmir, feed its people, give Kashmiris equal rights all over India. But you want to deny India and Indians all rights in Kashmir. I am a Law Minister of India, I cannot be a party to such a betrayal of national interests."

But, here's the interesting thing. This quote is not a part of any official government record.

### So, Where is the Quote From?

We found that this quote appeared in an article written by RSS leader Balraj Madhok which was published in the RSS mouthpiece, *Organiser*, on 14 November 2004.

It is said that the quote was based on a conversation between Madhok and Ambedkar, however, there is no proof of the same.

One may as well ask: When Ambedkar spoke so fearlessly and in such an articulate manner on so many issues of national interest, including Kashmir, why did he never express the views being claimed by the current leadership in the Parliament in a publicly made speech?

While the abrogation of Article 370 may have its merits as well as demerits, political leaders and sections of the media have misrepresented facts to shape public opinion on Kashmir's special status.

How else could Ambedkar have gone from being a supporter of plebiscite to someone who opposed Article 370?

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Amit Shah said: "This treaty (Instrument of Accession) was not only made with Jammu-Kashmir, it was made with the 630 princely states of the nation. The treaty was made with 630 princely states, and 370 was not there. Sri Jawaharlal Nehru has negotiated at one place, and there is 370." He could not have been more wrong.

The compilation is an effort to bring out the truth behind the treaty of accession and article 370. Lots of falsehoods are being spread about it. Hope the articles in this digest will help us reach the truth of events to society and help us grapple with the complex truth, which is being undermined by the ruling Government.

While one of the arguments for abolishing Article 370 is that it has been preventing the development in Kashmir as outside industrialists can't buy land, the reality is that the social development indices of Kashmir are much above the national figures.

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## Prologue

### **Kashmir: Abolition of Article 370: Implications**

*Ram Puniyani*

Currently there are celebrations in sections of Indian society and there is a pall of gloom in Kashmir. On Tuesday 5<sup>th</sup> August (2019), by a Presidential order Article 370 has been revoked along with article 35 A. Interestingly the citizens of Kashmir, the traders of Kashmir scattered in different parts of the country are under immense tension about the well being of their families back home. The celebrations are running parallel among people who think Article 370 and the 35A are the one's which have prevented the progress and peace in Kashmir. The step of revocation of these articles was taken in great secrecy. On the pretext that a terrorist attack is in the offing, large number of army was sent to further boost the already present lakhs of the soldiers in the valley.

With heavy military deployment on one side, the communication in the state has been totally clamped down and people do not know what is in store for them. There is a total disruption of normal life in the large parts of these (now) Union Territories. An undercurrent of panic prevails all over in the erstwhile state.

The legal pundits are raising a question as to whether this article can be abolished, the way it has been done. The Constituent Assembly which formulated this special provision had the likes of Sheikh Abdullah, Jawaharlal Nehru and Sardar Patel among others, as the representatives of J&K were specially taken into the assembly for the specific purpose of giving shape to Article 370. One of the provisions of the instruments of accession of Kashmir to India states, "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 discretion to enter into arrangements with the Government of India under any such future Constitution". (1) The people of Kashmir as represented in Kashmir's the then Constituent Assembly had to be taken in confidence for any major change in the terms of the Article, thereby the terms of relationship/accession with India. So it seems that in a hurry to actualize the RSS-BJP Hindutva agenda the present regime is recklessly pushing itself in a direction which may not probably be legally tenable. The legal position and

the stand of Supreme Court in the matter will be extremely crucial in deciding the final fate of these articles and the status of Kashmir.

What has been done by Modi regime has no parallel in Indian history. By the Presidential order the article 370 and article 35A have been revoked, the J&K as a state has been bifurcated into two union territories, the one of J&K and other of Laddak. First time in the history of the Nation a state has been downgraded to a Union territory. The whole idea is that Kashmir will overcome the earlier hurdles at the time of accession and will now have better democratic atmosphere. What has been imposed by a dictate is that the state itself has not only been divided, it has been demoted into two union territories where the Central Government will rule the roost through Lt. Governors, with the democratic processes demoted in a serious way. All the major leaders of the state have been imprisoned or are out of contact with the people of the state. What are visible all around are the empty streets and the heavy presence of military forces all around.

### **Background:**

When India became independent the princely states were given the option of either to remain independent or to merge with India or Pakistan. Most of the princely states did merge with India. The problem came in matters of Junagadh, Hyderabad and Kashmir. Junagadh was merged into India and later plebiscite was conducted there in which the people of Junagadh did vote for merger into India. Hyderabad, with Muslim King and Hindu majority population wanted to remain Independent or merge with Pakistan. Through police action by military; it was merged into India. Nizam opted for Pakistan as mainly Jinaah had offered him all the powers within the state.

In matters of Kashmir, the King was Hindu, Raja Harisingh and majority population was Muslim. Harisingh wanted to remain independent. At this point Pakistan army instigated tribal attack was orchestrated in Kashmir.

Faced with the attack, Harisingh approached India to help with Military help to quell the Pakistan aggression. As Kashmir was independent at that time it was not possible for India to send the army and so the compromise was struck. In this major role was played by Sheikh Abdullah, who was Chief of National Conference, who identified more with the secular, democratic values of Gandhi and Nehru. To facilitate Indian army to help fight Pakistani aggression the treaty of Accession was negotiated. This treaty involved accession, not merger of Kashmir into India. As per this Kashmir will be part of India with autonomous status. Autonomy meant that Kashmir Assembly will have all the powers except in matters of defense, communication and external affairs, which will be looked after by Central Government. This also involved that Kashmir will have its own Constitution, its own flag, its own Prime Minister and Sadar-E-Riyasat.

Under these conditions Kashmir acceded to India. India sent its army and could save 2/3 of Kashmir from Pakistan Aggression. As further war involved loss of civilian lives, cease fire was declared and the matter was taken to United Nations. United Nations resolution on the matter asked for vacation of aggression by Pakistan, reduction of army by India and to conduct the referendum, plebiscite. (2) The plebiscite was to be done under UN supervision with the option to Kashmiris to either remain independent, or merge with Pakistan or merge with India. Pakistan, well backed by America, refused to vacate the aggression, violated the United Nations resolution and the matters came to a standstill as no plebiscite could take place. The term 'Line of Actual Control' came in to being denoting the line across which two countries, India and Pakistan, had their control.

It is this treaty of accession which was the basis of Article 370. Article 35 A further provided protection to the state and prohibited the sale of land to the non residents of Kashmir. (3) By the way similar provisions do prevail in many other hill state like Himachal Pradesh and Nagaland. These provisions were given to the hill states, to Adivasis areas to protect these from the influx of wealthy industrialists and others swamping these areas, to preserve their character.

### **The Modi Sarkar's Agenda**

The Modi Shah duo, as per the agenda of RSS attributes the non development, corruption and violence in Kashmir due to presence of this article, so in pursuance of that they seem to have rushed the step of revoking it.

Will this lead to the development of the state as being argued by many commentators, including those who do not belong to the BJP camp. There are states where land cannot be bought by outsiders, there land is being leased and industries set up. Will industrialists venture to invest in areas where militancy is uncontrolled and on the rise? The statistics show that with the Modi rule of last five years shows the violence is on increase. (4) Last five years of Modi rule also saw a massive rise in unemployment all over India. The policies pursued by Modi Sarkar, which are leading to an increase in unemployment, whether these can open the doors of industrialization and employment in Kashmir is a question which time alone can tell us. The core point to consider is that development can be brought into valley by undoing those factors which are preventing the development there. What are these factors?

A bit of background needs to be recalled. After the accession of Kashmir to India the communal forces become very active. It is well known that the likes of Jawaharlal Nehru and Sardar Patel were part of the committee which gave final shape to article 370. (5) Meanwhile the communal forces, which totally kept aloof from the freedom movement of India, had no role in the process of making of India as a nation started clamoring for full integration of Kashmir into India. Their pressure was for doing away with treaty of accession and to fully merge Kashmir into India. Nation witnessed the horrible murder of father of the nation by the Hindu nationalist Nathuram Godse. Shyama Prasad Mukerjee, the leader of Hindu Mahasabha, who later became the founder of Bharatiya Jansangh, the previous avatar of BJP, started putting strong pressure to fully merge Kashmir into India. He violated the prevalent law to enter Kashmir, was arrested and unfortunately died in the jail in Kashmir under tragic circumstances, probably due to some concurrent illness.

Sheikh Abdullah, the lion of Kashmir had great faith in India's secularism. Due to the murder of father of the nation and due to pressure from Hindu nationalists to fully merge Kashmir into India, he was shaken to the core. Disturbed by this all he started talking to United States, China and Pakistan. This was treated as treason by Government of India and he was imprisoned on these charges. This was the major turning point for Kashmir and its people. The people who looked forward to a harmonious existence as autonomous part of India were rudely jolted by this and the process of alienation began in Kashmir. This was the germ of militancy and separatism n times to come.

This separatism initially was steeped in the values of Kashmiriyat. Kashmiriyat is a synthesis of values of Vedanata, Buddhism and Sufi values. (6) Later with support from Pakistan, and infiltration into Kashmir of Al Qaeda type elements, it took an ugly communal shape. All this was countered from Indian side by increasing the presence of military by and by. The civilian life in the valley was replaced by the life under the force of gun.



Plight of people of Kashmir can be gauged from the fact that on one side militants and on the other Military presence wrecked the social life in the state. It witnessed massive civilian casualties, the unique phenomenon of half widows, where the man is missing for years, derailing the normal life and increasing the alienation much further.

### **Kashmiri Pundits**

As far as the painful issue of exodus of Kashmiri pundits is concerned, let's recall that it took place during President's rule with Mr. Jagmohan as the Governor of the state. Same Jagmohan later joined BJP. At that time the communalized militants were targeting the Pundits. There was a goodwill mission which was requesting the pundit community to hold on and requesting the state authorities to bring in the measures for the security of the citizens, more so of Pundits in the state. Jagmohan actually facilitated the migration of this beleaguered community. (7) BJP constantly keeps hankering that Congress has failed to do justice with the pundits. Let's realize we had six years of rule of Atal Bihari Vajpayee (1998-2004), and from 2014 again BJP led Government is there at the center. The question arises why they could not be rehabilitated.

The answer lies in the fact that in the situation where violence is the dominating atmosphere and militancy is not abetting how pundits can go back to their homes? The roots of militancy lie in alienation, and that's not being addressed at all. We do need to think a bit more deeply as to how amiable situations are created when Pundits can go and live in their original homes and areas.

### **What happened during last few years?**

While there have been regular acts of violence, whenever the process of dialogue is given a go by such acts go on worsening. The available statistics shows, the number of civilian casualties have gone up during last five years. (8) The dissatisfaction of the people has been manifesting in the form of stone throwing, the incidents of which went up during this time. To attribute it to mere funding by Pakistan will be shortsighted. No doubt Pakistan has played a negative role, but the major factor is the dissatisfaction among the people of Kashmir.

The BJP-RSS combine has been on spree to blame Nehru for all the failures of theirs. They have been propagating that Kashmir issue became problematic due to Nehru's mistakes and that had Sardar Patel been handling Kashmir it would have been sorted out by now. The truth is that Sardar Patel was keener on merging Hyderabad in to India. (9) About Kashmir he did state that if Pakistan lets Hyderabad merge into India, he will have no objections to Kashmir merging with Pakistan. Nehru is blamed for article 370; this is propaganda as this Article came as an outcome of discussions in which Sheikh Abdullah, Pundit Nehru and Patel were all members. The decision of cease fire was again taken in the defense committee of the Cabinet in which Sardar Patel was a member. Nehru agreeing to plebiscite was right as that was the norm and even in Junagadh, where Patel was key figure, plebiscite was conducted in which people of Junagadh opined to merge with India.

### **Path for Peace**

What has been done by Modi-Shah duo is a heavy handed muscular nationalism. The democratic ethos has been given a go by. The popular sentiments of people of Kashmir have been put under the carpet. Democratic processes have been replaced by the barrel of guns. Contrary to what Atal Bihari Vajpayee had formulated, Insaniyat (Humanism), Kashmiriyat and Jamhooriyat (democracy), we are witnessing

the policies which are just hyper-nationalist, which are undermining the local people's sentiments and aspirations for a democratic set up.

Some are also bringing in Dr. Ambedkar to undermine Nehru. The truth of the matter is even he was far the Muslim majority to be going to Pakistan as he outlines his opinion in his collected works (writings and speeches) part 14, part 2, page 1322 (10)

How will the people of Kashmir respond, needs to be seen. At present there is a great sense of insecurity all around in the people of Kashmir. We need to keep the people at the center of our policy making. The reactions of Pakistan and China to this are not very friendly. We can live in peace only with good relations with our neighbors, we can create harmonious atmosphere by respecting the sentiments and aspirations of people of the state.

The reduction of the status of J&K to a mere Union territory is a matter of concern. The process of integration is only through mutual dialogue, accommodation and strengthening of democratic processes. While we look forward to the legal opinion on the issue, we need to assuage to anguish of people of Kashmir. The litmus test of any decision lies in the reaction of those whom it primarily affects. We look forward to the times when rectification measures are undertaken where by people of Kashmir, Kashmiri Pundits all can celebrate with joy and Kashmiriyat the soul of Kashmir is revived.

#### *Foot Notes*

1. <https://thewire.in/law/constitution-torn-to-shreds-as-rss-indulges-article-370-fantasy-in-kashmir>
2. [https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_47](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_47)
3. <https://economictimes.indiatimes.com/news/politics-and-nation/instrument-of-accession-from-1947-till-date/articleshow/70546147.cms?from=mdr>
4. <https://thewire.in/law/constitution-torn-to-shreds-as-rss-indulges-article-370-fantasy-in-kashmir>
5. <https://indianexpress.com/article/explained/sheikh-abdullah-ayyengar-sardar-patel-how-article-370-was-negotiated-debated-5881060/>
6. <https://www.countercurrents.org/puniyani220610.htm>
7. <https://www.news18.com/news/india/governor-jagmohan-was-responsible-for-pandit-exodus-says-saifuddin-soz-in-new-book-on-kashmir-1787973.html>
8. <https://thewire.in/security/has-kashmirs-militancy-entered-its-most-lethal-phase-yet>
9. <https://scroll.in/article/884176/patel-wanted-hyderabad-for-india-not-kashmir-but-junagadh-was-the-wild-card-that-changed-the-game>
10. <https://hindi.sabrangindia.in/article/dr-br-ambedkar-on-kashmir-issue>

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## **Backgrounder**

## **Kashmir at Crossroads**

Ram Puniyani

The turmoil in Kashmir has been lingering since decades. On one side we see the gross violation of Human rights of Kashmiris, on other we have the lakhs of displaced Kashmiri pundits, on yet another plane there is a heavy presence of military in the region where civilian life faces lots of challenges. Different approaches have been tried to restore peace and normalcy in the region with no avail so far.

Mr. Shah, the Home Minister, has gone on to take massive steps (2019). In his visit to the valley before abolishing Article 370 and 35A, he chose to ignore the separatists, signaling that the process of dialogue between different stakeholders is unlikely to be revived. Following this the Government sent large number of armed forces without any declared purpose. The purpose became clear as Mr. Shah put forward the proposals to abolish Article 370 and Article 35 A. At the same time the status of Kashmir as a state has been changed. It has been split into two Union Territories, Jammu and Kashmir as one and Ladakh being the other. The major leaders of the state were arrested and the communication in the state was disrupted, cutting it off from the rest of India and also cutting off the links within the state. Not much news is being percolating down from the state due to massive restrictions and presence of large number of armed forces in the state.

We know Kashmir itself is multi-ethnic, multi-religious. In the Kashmir valley, Muslims are the dominant social group while in Jammu, it is Hindus. The other components of the population are Buddhists and tribes. Democratization process as such should serve for better representation of the areas; it should also involve the exercise of taking popular opinion into consideration. (1) Aspirations of people of Kashmir and opinion of the people has been ignored while taking these one sided steps. Mr. Shah and his like-minded people have been asserting that the Problem of Kashmir is lingering due to faulty steps taken by Jawaharlal Nehru and that had Sardar Patel been handling the issue, it would have been sorted out then and there. This totally ignores the complexity of the issue and multiple forces involved in the Kashmir imbroglio. (2)

Let's see what Sardar Vallabhbhai Patel had to say on the matter way back. Sardar Patel's statement on the subject clears some mist surrounding the issue. He said at a public meeting in Bombay on October 30, 1948: "Some people consider that a Muslim majority area must necessarily belong to Pakistan. They wonder why we are in Kashmir. The answer is plain and simple. We are in Kashmir because the people of Kashmir want us to be there. The moment we realize that the people of Kashmir do not want us to be there, we shall not be there even for a minute... We shall not let the Kashmir down" (3).

### **Background**

The abolition of Article 370 has been on the Manifesto of BJP all through. Article 370, part of the Indian Constitution, has been there in the background of the clauses of the treaty of accession, as per which

Kashmir will have autonomy in all matters barring defense, communication and external affairs. Article 35 A relates to the buying of property by non-Kashmiris in the area. Both these had to be there as Kashmir acceded to India under special circumstances. (4) It was in the wake of aggression by Pakistan-supported tribal groups-plainclothes army men that Raja Hari Singh, the Sovereign of Kashmir, asked for help from the Indian state to quell the aggression. Earlier, Hari Singh had decided to keep Kashmir as an independent state. But in the face of this aggression, the negotiations with the Indian state led to this treaty after which Indian army could go and quell the attack from the Pakistan side. The special status clause is inbuilt in the instrument of accession of Kashmir. (5)

The final merger of Kashmir with India was to take place with the opinion of the people of Kashmir, the referendum, which never took place. Sheikh Abdullah, Lion of Kashmir, had a major role in accession of Kashmir to India. He did become Prime Minister of Kashmir in due course. The rise of communalism in India in the form of murder of Gandhi and demand of instant merger of Kashmir into India, from the likes of Shyama Prasad Mookerjee of Hindu Mahasabha, unsettled Sheikh Abdullah. His responses to the overtures from Pakistan, US and China led to his being jailed for 17 long years. This is where the process of alienation of the people of Kashmir begins. This alienation is the root of the problems of Kashmir. (6)

Many a doubts are being created around the process of accession into India. Mr. Amit Shah and company are deliberately trying to blame Nehru and undermine many concerned factors related with the issue. Their own failures to bring peace in the region is writ large on the pages of history,

### **Accession of Kashmir**

As pointed out above Maharaja Harisingh had decided to remain independent in the wake of British leaving India. The rumor is being spread that he wanted to merge with India on the instance of M.S. Golwalkar, the then RSS Chief. As per this version Golwalkar had sent his emissary to the Maharaja, who responded positively to his urging. As such what is known is that Bharatiya Jansangh's (Previous avatar of BJP) predecessors in Kashmir like Prem Nath Dogra and other such leaders had advised the Maharaja not to merge with India, as India is going to be a secular nation, while he is a Hindu. Maharaja in accordance with this had offered 'Standstill Agreement' with India and Pakistan both. India rejected this arrangement while Pakistan accepted it. As per this for a brief while the Pakistan Flags were hoisted over post offices in Kashmir. (7)

With invasion of Kashmir by Tribal attackers, well supported by Pakistan army the situation changed. Harisingh wanted India to quell the aggression. As Kashmir was not a part of India, the accession of Kashmir to India as the solution for sending army in the region was thought of. This accession was to be ratified by the plebiscite, referendum, by the people of Kashmir. Here blame is being put on as to Nehru agreed for plebiscite. One just recalls in Junagardh which was handled by Sardar Patel, similar plebiscite was held after it was merged into India. In Kashmir, this was the part of resolution of UN. (8)

Indian army was able to halt the Pakistan Tribal, but by that time they had occupied by one third of J&K. Here the further advance of Indian army would have resulted in lot of civic casualties. The Governor-General of India Lord Mountbatten also advised for the ceasefire, pending matters being taken to the United Nations. United nation resolution also asked for referendum on the condition that Pakistan should vacate its aggression and India should reduce its forces. The process of referendum was to be

done under the supervision of United Nations. The possibility of this process was thwarted by Pakistan as it refused to vacate the aggression. Needless to say Pakistan could violate the UN resolution as it was thoroughly backed up by America and Britain, the imperialist powers who wanted to have their presence in this militarily crucial zone. Their planning was with the backdrop of the fact that Kashmir's boundary is abutting the borders of so many countries in the area. The decision of ceasefire had to be taken, keeping in mind many factors, one of which was the possibility of America-Britain's pressure, who were siding with Pakistan.

### **Jailing of Sheikh Abdullah**

Sheikh was the most popular leader of Kashmir. He was a thorough democrat, secular and socialist. He began as Chief of 'Muslim Conference' and changed this organization into to 'National Conference'. National Conference was against the rule of king, not on the ground of religion, but on the ground of democracy. His campaign against the King had very high popular support. He was impressed by the Soviet revolution, which gave land to the tillers. He overtly stated that he will prefer to accede to India as he saw India on the path of secularism, with Gandhi and Nehru being two outstanding stars of this country. He was totally against acceding or merging into Pakistan as he could see the hold of landlords in the ruling party in Pakistan and *land reforms* was his central focus. (9)

There are accusations that Nehru was taking decisions to ensure that Sheikh Abdullah should be the leader of Kashmir. Nehru's opinion was guided more by ideological reasons than any personal ones', as he saw Sheikh basing his politics on principles similar to those of Indian National Congress; also Sheikh was indisputably the most popular leader of Kashmir.

Why did Sheikh lose trust in Indian Government? As pointed out above Sheikh was very impressed by the secular path followed by Indian National Congress. After the accession of Kashmir with India, two major things happened. First was the murder of Mahatma Gandhi. Sheikh had reposed trust in Gandhi-Nehru's politics and principles. With Gandhi's murder by communal forces, he got shaken. On the top of that communal forces, in the form of Shyama Prasad Mukherjee, started pressurizing the Government to remove the special provisions of Kashmir and fully merge it with India, removing the protective clauses. (10)

Later Article 370 was brought up in Constituent Assembly and it became part of Indian Constitution. Those pointing fingers on Nehru forget that Sardar Patel and all tall stalwarts of freedom movement were part of the Constituent Assembly which brought in Article 370 as a part of our Constitution.

### **Kashmiriyat**

Due to these factors Sheikh felt uneasy and started to have dialogue with US Ambassador, planned to talk to China and Pakistan. This was the primary ground for putting the charge of treason on him and he was imprisoned. This came as a big shock to people of J&K. This is where the process of alienation

began in Kashmir. This unease turning into alienation was fully based on Kashmiriyat. Islam was not the base of this process of militancy in the beginning. As GMD Sufi in his masterpiece 'Kashir' points out Kashmiriyat is the synthesis of Vedanta, Buddhism and Sufi traditions. It is much later that the militancy was first supported and encouraged by Pakistan, and later with the entry of Al Qaeda type elements it assumed separatist Islamic color from the decades of 1980s. (11)

### **Plight of Kashmiri Pundits**

Even before 1990, the first major exodus of Pundits took place after the Partition riots, and partly due to land-reforms introduced by Sheikh Abdullah. Incidentally, the Hindu population in Kashmir had gone through a complex history of conversion to Buddhism and, later, to Islam through Sufi saints. The Hindus started being referred to as Pundits from the 16th century onwards. This happened after Akbar won over Kashmir and employed Hindus in his administration. He was impressed by their qualities and conferred the title Pundit on them. (12)

The latest exodus began with communalization of the militancy, a transition from *Kashmiriyat* to Islamism. One version, a la Modi, says that Kashmiri Pundits were driven from Kashmir valley by Muslim militants, and this was a planned move by the Muslim-majority Kashmir, while the fact remains that the Muslim majority was totally opposed to the harassment of Pundits.

In the militancy, while Hindus were targeted, Muslims also were not spared. We will have a look at figures of casualties and destruction of property in Kashmir by militants. Thousands of Muslims from different parts of the valley also had to migrate to the neighboring Himachal Pradesh in search of employment. Thousands of Muslims from Kashmir live in a refugee camp in New Delhi. They have also taken jobs like that of coolies in neighboring states. One of The Times of India reports (5th Feb.1992) based on official figures said that militants killed 1,585 men and women, including 982 Muslims, 218 Hindus, 23 Sikhs and 363 security personnel between January 1990 and October 1992.

The wholesale migration of Pundits was a big blow to the traditions of the valley. The damage alone by militants was inflicted on both communities, not Hindus alone. The Pundits were intimidated and considered migration first in 1986, but the decision was held in abeyance due to appeals of a goodwill mission constituted by reputed Kashmiris steeped in plural culture. In 1990, the militancy was stepped up. This time round Jagmohan, who later became a minister in BJP-led NDA government at Centre, was the governor of Kashmir. Balraj Puri, in his book *Kashmir* (13) points out that Jagmohan ensured dissolution of the goodwill mission to Pundits by pressurizing one of the Pundit members of the team to migrate to Jammu.

Puri, in March 1990, stated " I found no hostility among common Muslims in Kashmir against Pundits, and that allegations of gross violations of human rights by security forces needs to be investigated"(Puri, 2000, 66). At that time Hindu communal forces took it upon themselves to spread fear amongst Pundits. "Much disinformation is being spread in Jammu and Delhi that scores 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 it fit to ask Doordarshan to do a program on mandirs in Kashmir just to reassure people that they remain unharmed”(14).

All things considered, the problem of Pundits’ migration is an unfortunate outcome of the alienation of Kashmiri people; resulting in militancy and communalization of militancy in late 1990s, Hindu communalist outfits’ spreading of fear psychosis, decision of Jagmohan and not due to Hindu-Muslim hostility, certainly not due to the Sheikh Abdullah or his son Farooq and grandson Omar.

### **Team of Interlocutors**

UPA II had appointed a team of interlocutors comprising of Radha Kumar, M M Ansari and Dilip Padgaonkar. In May 2012 the recommendations of team were made public. (15) This team gave its recommendations about which the UPA II remained non committal, while the BJP rejected them on the ground that it is a dilution of the accession of Kashmir to India. The separatists found it insufficient saying that there is no political settlement of the issue. Essentially while the team rejected the return to pre 1953 position, it also made significant recommendations which are in the direction of restoring the autonomy of Kashmir. Being close to the Pre 1953 position, the team suggests that the parliament will not make any law for Kashmir unless it relates to the security, internal and external of the state. Significantly it gives the status of ‘special’ instead of ‘temporary’ to the article 370, which is the bone of contention for the ultra nationalists like the BJP. Very correctly the team says that the proportion of officers in the state should gradually be changed to increase the weight-age of the local officers. It also talks of creating regional councils with financial powers, and measures to promote cross Line of Control (LoC) cooperation while talking of resuming dialogue with Hurriyat and Pakistan both.

### **Rising Militancy**

We have seen the gradual increase in the alienation, leading to rise in militancy over a period of time, more so after 2015, once the PDP-BJP alliance came to power. The process of dialogue with separatists has also some correlation with militancy. When dialogue is stopped the process of militancy intensifies.

The turmoil in Kashmir, which got intensified after the fake encounter of Burhan Wani (July 2016), did not seem to abet. It has been worsening as reflected in the ongoing violence leading to low turnout of voters in the by poll (April 2017). Shockingly there was a turn out only of 7.14 percent of voters. The by-polls were also marred by violence in which, many a civilians and security force person also died and in April 2017 one witnessed with great horror a Kashmir youth, Farooq Ahmad Darr, being tied to the military truck as a human shield to prevent stone pelting from those throwing stones on the vehicle. (16)

Those pelting stones did not seem to be stopping despite the lapse of period of time. These young men were branded in various ways. Farooq Abdullah had stated on the eve of elections that those young men throwing stones are doing so for their nation. This statement of his came under scathing criticism from various quarters and section of media and was dismissed by many as a pre election statement.

Another way of looking at those pelting stones; as gleaned from section of media; is that these are pro-Pakistan elements. They are being instigated by Pakistan and that they are doing this for money. As such stone pelting has been used as a method of protest in Kashmir since ages but has become glaringly obvious from last few years. Intimidated by the terrorists-militants on one side and the security forces on the other these young boys and later young girls also were resorting to pelting stones as a form of protest and anguish. One can see the clear pattern in worsening repression and an increase in their activities. As such after every major act of hanging-murder the protests have become more intense e.g. after the hanging of Maqbul Butt (1984), then after the hanging of Afzal Guru (2013) and now after the killing of Burhan Wani (2016). (17)

Who are these boys who pelt stones? Are these merely Pakistan inspired and funded youth? In the aftermath of state crackdown; hundreds have died, thousands have been wounded and many more lost eyesight! A section of TV and other media went hammer and tongs about the role of Pakistan and the funding they receive. The question which needs to be introspected is that will young people risk their life, loss of eyesight or other harm to body just for someone's bidding or some money? Many of them are teenagers, tech savvy and they are so much full of deep hatred that they are willing to risk their lives, not caring about their future. The degree of frustration among them must be horrific.

Only a small section of media has gone deeper into the issue and have interviewed some of them. The stories of their experiences and feelings shatter one's perceptions about law and order in Kashmir. Many belong to families which have given up hope of any type. Most of these young boys have experienced torture, beating, harassments of sorts and often humiliation For many of them stone throwing comes as sort of catharsis, a feeling of having taken revenge of what has happened to them. It is the only strong way of protest they must be feeling is left for them. Many of them are Pro Pakistan for sure but the basic point remains political alienation which is seeping in deepening. This in turn is due to the suffering and pain to which Kashmir has been subjected due to the prolonged military presence in the area. (18)

## **Political Processes**

Post Burhan Wani murder, the Kashmir based PDP, or even national Conference has been able to see the intensity of the situation. Mahbooba Mufti, the Chief Minister of the ruling coalition, wanted to go for a dialogue with the dissenters, but coalition partner and the party leading at center BJP shot down the idea. Mahbooba Mufti felt that dialogue is the only way out but for BJP muscular policies seem to be the answer. Dialogue is ruled out in their method of politics. It seems the ruling BJP wants to take a hard line to deal with dissidence, regards that dissidence is there only due to Pakistan or ISIS and so repression should be intensified. (19)

What have earlier efforts for peace which need to be recalled in the present damning times? As we saw above the team of interlocutors was a good move for peace. We recall that the team suggested that the autonomy of Kashmir Assembly, which is part of treaty of accession, be restored, dialogue with



dissidents to be initiated and also talks with Pakistan be undertaken along with repeal of Armed Forces Special Powers Act.

While the BJP talks of abolition of these articles, it had no hesitation in joining hands with Mehbooba Mufti, who some commentators call as soft separatist. During the PDP-BJP alliance and during the previous Modi regime, the process of dialogue has been given a go-by, despite Mufti wanting to do so.

The process of alienation has not been addressed at all the levels. Why have so many of young boys and now girls come to throw stones despite the knowledge that it will lead to dire consequences? Can we quell the dissidence-alienation by bullets is the question. If we take a bird's-eye view of the situation in Kashmir, it is clear that the muscular nationalist polices have led to bigger destruction of the social fabric than to the possibility of winning over the hearts and minds of Kashmiri people.

### **Ways to Peace**

Last year around this time (2018), the Office of the United Nations High Commissioner for Human Rights (OHCHR) came out with the first-ever report on human rights abuses on both sides of the Line of Control in Kashmir.(20) The report met with huge furore in India and the Central government reacted strongly, calling it “fallacious, tendentious and motivated”. Its response, however, displayed very little detail or reason and absolutely no respect for the law and human rights.

Poet Kalhan of Kashmir, in his classic *Rajtarangini* writes that it is only through punya (noble deeds), and not force, that Kashmir can be won over. We need to remind ourselves of this profound wisdom of Kalhan while making policies about Kashmir, rather than putting the blame on a single political stream. The role of global politics, the historical baggage of Partition and post-Partition problems, and the role of global terrorism propped up by US policy of control over oil resources, its influence on militancy in Kashmir and the role of Hindu communal forces in spreading fear also need to be kept in mind while commenting on this tragedy of mammoth proportions.

The ruling party, BJP, has been insisting on muscular policies, has got the elections for Lok Sabha organized there but is reluctant to have Assembly elections on the ground that the conditions there are not normal. Same party has been highlighting the problems of Kashmiri pundits to showcase the failure of Congress and other non BJP rules. BJP itself was in power in Center earlier (1998-2004) and also it was in power as alliance in the state.

There is urgent need to address the issue of Kashmir. The highhanded policies of BJP are a matter of concern for all those valuing democratic norms. The issue of alienation has been the core of the problem. Need for dialogue with local groups and with the neighboring country is needed more than ever before. The deepening of democratic process, the elected state Government can't be understated.

What has been done by Modi-Shah duo now is a heavy handed muscular nationalism. The democratic ethos has been given a go by. The popular sentiments of people of Kashmir have been put under the carpet. Democratic processes have been replaced by the barrel of guns. Contrary to what Atal Bihari

Vajpayee had formulated, Insaniyat (Humanism), Kashmiriyat and Jamhooriyat (democracy), we are witnessing the policies which are just hyper-nationalist, which are undermining the local people's sentiments and aspirations for a democratic set up.

Some are also bringing in Dr. Ambedkar to undermine Nehru. The truth of the matter is even he was far the Muslim majority to be going to Pakistan as he outlines his opinion in his collected works (writings and speeches) part 14, part 2, page 1322.

How will the people of Kashmir respond, needs to be seen. At present there is a great sense of insecurity all around in the people of Kashmir. We need to keep the people at the center of our policy making. The reactions of Pakistan and China to this are not very friendly. We can live in peace only with good relations with our neighbors, we can create harmonious atmosphere by respecting the sentiments and aspirations of people of the state.

The reduction of the status of J&K to a mere Union territory is a matter of concern. The process of integration is only through mutual dialogue, accommodation and strengthening of democratic processes. While we look forward to the legal opinion on the issue, we need to assuage to anguish of people of Kashmir. The litmus test of any decision lies in the reaction of those whom it primarily affects. We look forward to the times when rectification measures are undertaken where by people of Kashmir, Kashmiri Pundits all can celebrate with joy and Kashmiriyat the soul of Kashmir is revived.

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A LOOK BACK

## A timeline of key events that shaped the unique identity of Kashmir within India

By [Manavi Kapur](#) August 6, 2019

The restive Indian state of Jammu & Kashmir (J&K), whose political status was [dramatically overhauled](#) yesterday (Aug. 5) by the Narendra Modi government, has rarely been free of controversy.

The modification of a constitutional provision that grants J&K special status—a greater degree of autonomy than that enjoyed by other Indian states—has been hotly contested since its creation in 1950.

Those against this provision, Article 370, have argued that all three parts of the state—the Muslim-dominated Kashmir valley, the Hindu-majority Jammu, and Ladakh, which has considerable Buddhist presence—should not have laws independent of the Indian constitution. India's ruling Bharatiya Janata Party subscribed to this school of thought.

This section also fears neighbouring Pakistan's influence on Kashmir and its attempt to capture more territory in the Kashmir valley.

The modern political history of the state itself is a tale of its often changing status beginning in the 19th century, turmoil following India's partition in 1947, and simmering uncertainty since then.

Here is a timeline of J&K and Article 370 through key events in modern times:

**1846:** Maharaja Gulab Singh, a Dogra ruler, buys the region of Jammu & Kashmir from the East India Company after [signing the Treaty of Amritsar](#) (pdf).

**1930s:** Kashmiri Muslims are unhappy with the then maharaja Hari Singh's rule and feel his policies are prejudiced against them. This is also the time J&K's first major political party, [the National Conference \(NC\)](#), is born along with its founder, Sheikh Muhammad Abdullah's, political debut. The [Quit Kashmir movement](#) against the maharaja is launched.

**August 1947:** India gains independence from the British empire, Pakistan is created as a Muslim-majority country. India's princely states, those not officially with India or Pakistan, are given three choices—stay independent or join either India or Pakistan. Three such states are undecided—Junagadh, Hyderabad, and J&K. Indian home minister Sardar Vallabhbhai Patel works to convince the undecided princely states to join India; Maharaja Hari Singh signs a [standstill agreement with Pakistan](#), effectively opting for status quo.

**October 1947:** Armed tribesmen from Pakistan infiltrate J&K, Hari Singh realises he needs Indian help. He reaches out to prime minister Jawaharlal Nehru and Patel who agree to send troops on the condition that the maharaja signs an instrument of accession (IoA) [in favour of India](#) (pdf), handing over control of defence, foreign affairs, and communication. Hari Singh signs the IoA, Indian troops move in. The armed conflict continues.

**January 1948:** India takes the [Kashmir issue to the United Nations \(UN\)](#), raising concerns over Pakistan's forced occupation of parts of Kashmir. The UN suggests a plebiscite, but India and Pakistan can't agree on how to demilitarise the region. The conflict continues through 1948.

**March 1948:** Hari Singh appoints an interim government in J&K. Sheikh Abdullah [named the prime minister](#).

**January 1949:** The UN [mediates a ceasefire](#) between Indian and Pakistan—also known as the Karachi Agreement—allowing the two countries to retain control over territories held at the time. No agreement on referendum yet.

**July 1949:** Hari Singh abdicates in favour of his son Karan Singh. Sheikh Abdullah and three colleagues [join the Indian constituent assembly](#) to discuss provisions of Article 370 under the Indian constitution that is still being drafted.

**1950:** The Indian constitution comes into force. Under this, Article 1 defines J&K as a state of India, Article 370 accords special status to J&K.

**1951:** The constituent assembly of J&K, the body responsible for creating the state's constitution, convenes. All members belong to Sheikh Abdullah's NC.

**1952:** Kashmiri leaders discuss their relationship with the union of India in the J&K constituent assembly. This leads to a [comprehensive Delhi Agreement](#) (pdf) that defines the relationship of the state with the union.

**1953:** Sheikh Abdullah is [dismissed as prime minister](#) allegedly because he had lost the support of his cabinet. Bakshi Ghulam Mohammad takes his place.

**1954:** A [presidential order](#) extends several provisions of the Indian constitution to J&K's constitution.

**1956:** J&K [adopts its constitution](#) (pdf) and defines itself as an integral part of India.

**1957:** The J&K holds its first legislative elections. J&K constituent assembly dissolved, replaced by a legislative assembly. Indian home minister Govind Ballabh Pant visits Srinagar, the capital city of J&K, and says the state is now [fully a part of India](#). This leaves no possibility of a plebiscite.

**1960:** Both supreme court and election commission of India extend [jurisdiction over J&K](#) through an amendment in its constitution.

**1962:** China gains control of Aksai Chin region in J&K after a war with India.

**May 1965:** Titles of prime minister and sadr-i-riyasat officially changed to chief minister and governor, respectively.

**June 1965:** Abdullah's NC merges with the Indian National Congress.

**August 1965 to January 1966:** War between India and Pakistan. Indian prime minister Lal Bahadur Shastri and Pakistani president Ayub Khan sign [the Tashkent Declaration](#) marking the end of war.

**1966:** There is a revival of demand for a referendum in J&K and several armed outfits spring up in the region. These include the Plebiscite Front and the Jammu & Kashmir National Liberation Front (JKLF).

**1971:** A third war erupts between India and Pakistan.

**1972:** India and Pakistan [sign the Simla Agreement](#) which ratifies the ceasefire line as the Line of Control.

**1975:** Prime minister Indira Gandhi and Sheikh Abdullah [sign Kashmir Accord](#), reemphasising Article 370, and J&K as an integral part of India. Gandhi says the “[clock cannot be put back in this manner](#)” to pre-1953 relations between the Indian Union and J&K, suggesting that a referendum is not possible. Sheikh Abdullah drops the demands for a plebiscite and resumes power as chief minister of J&K with Congress support.

**1977:** Congress-JKNC split; Congress withdraws support for Sheikh Abdullah’s government, paves way for [central rule](#).

**July 1977:** Elections held in J&K, Sheikh Abdullah re-elected.

**1977 to 1989:** J&K sees a steady rise of militant outfits, several unstable governments, and arrests and killings of militant youth.

**1990:** Kashmiri youth take to streets to protest against Indian administration and hundreds of them die in clashes with Indian troops. Central rule declared just as outfits like JKLF gain strength. Kashmiri Pandits (Hindu Brahmins) flee their hometowns in Kashmir valley in the face of rising militancy. The central government imposes the Armed Forces Special Powers Act, giving armed forces unprecedented powers to counter armed militancy.

**1990s:** Militant insurgency on the rise. Several separatists, including Yasin Malik, arrested. The government of India tries to hold talks with various leaders in J&K. All Parties Hurriyat Conference, an alliance of 26 social and political movements, is established in 1993. A large number of civilians, armed personnel, and militants die in incessant violent clashes.

**1995:** Prime minister PV Narasimha Rao makes a [statement in parliament](#) assuring that Article 370 will not be abrogated. He reiterates that J&K is an integral part of India and that he wants president’s rule to end.

**February 1996:** India bans JKLF.

**September 1996:** Assembly elections held in J&K. JKNC’s Farooq Abdullah forms government.

**November 1996:** The centre [appoints a committee](#) to study the issue of autonomy to J&K.

**1997:** The national human rights commission sets up a J&K chapter to investigate human rights violations there.

**1998:** India and Pakistan test nuclear weapons.

**February 1999:** Indian prime minister Atal Bihari Vajpayee visits Pakistan.

**June 1999:** India and Pakistan (tension, added)... over Pakistan's infiltration in Kargil.

**December 1999:** Indian Airlines flight, IC-814, from Delhi to Kathmandu [hijacked by militants](#). India releases three militants in exchange for the flight and the passengers on board to be brought back safely to Delhi.

**October 2001:** The legislative assembly in Srinagar is attacked.

**December 2001:** Armed militants attack Indian parliament in New Delhi.

**2004:** Indo-Pakistani relationship stabilises after decades of instability. Indian prime minister Manmohan Singh meets Pakistani president General Pervez Musharraf.

**2005 to 2008:** Clashes between armed forces, militants, and protesting civilians continue in J&K, but not on the same scale as during the peak of militancy.

**November 2008:** Terrorists affiliated to the Lashkar-e-Taiba attack various public places, including prominent luxury hotels, in the port city of Mumbai.

**2010:** Protests erupt in J&K over a young militant's killing.

**2011:** J&K chief minister Omar Abdullah pardons 1,200 stone pelters. The Indian human rights commission finds 2,000 unmarked graves near the LoC.

**2013:** Afzal Guru hanged for his role in the 2001 attack on parliament.

**March 2015:** The BJP forms a government in J&K with People's Democratic Party for the first time.



**April 2016:** Mehbooba Mufti becomes chief minister after the death of Mufti Mohammad Sayeed, her father.

**July 2016:** Burhan Wani, another young militant, killed in shootout with armed forces. J&K state erupts in massive protests. Curfew imposed for several months.

**September 2016:** Armed militants attack Indian Army base in Uri, J&K. The army retaliates with surgical strikes across the LoC.

**July 2017:** Thousands of residents of J&K take to the streets to commemorate Burhan Wani's death. Militants [attack pilgrims](#) on their way to the revered Hindu shrine of Amarnath.

**June 2018:** BJP government [pulls out of alliance](#) with PDP.

**November 2018:** Governor Satya Pal Malik [dissolves legislative assembly](#).

**December 2018:** Central rule declared in the state.

**February 2019:** A vehicle loaded with explosives crashes into an Indian paramilitary convoy, killing 40 personnel. India carries out retributive strikes on terror camps across the LoC [in Pakistan's Balakot region](#). An Indian Air Force pilot captured by Pakistan and later released.

**May 2019:** The BJP returns to power for a second term in India.

**July 2019:** US president Donald Trump offers to mediate the Kashmir issue between India and Pakistan.

**August 2019:** Reports suggest a large number of Indian troops have been moved into J&K. Pilgrims to Amarnath [asked to return](#). This is because a landmine with Pakistani markings has been found along the pilgrimage route.

**August 4:** Prominent Kashmiri leaders, including former chief ministers Omar Abdullah and Mehbooba Mufti, placed under house arrest. [Internet and mobile services curtailed](#), and section 144, which prevents a gathering of more than four people in public spaces, imposed.

**August 5:** Home minister Amit Shah proposes a presidential order to repeal Article 370 and 35A. J&K to be bifurcated as two union territories of Ladakh

(centrally administered) and J&K (with its legislative assembly). Opposition parties protest in parliament; complete shutdown in Kashmir valley.

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## **On the issue of Kashmir there were no basic differences between Patel and Nehru**

*L.S. Hardenia*

Prime Minister Narendra Modi and the Sangh Parivar blame Jawaharlal Nehru for all the ills plaguing the country, including the Kashmir problem. They also claim that Sardar Patel would have solved the Kashmir problem, had the job been entrusted to him.

But facts do not bear out the allegations of Modi and company. Had Nehru not taken interest in the Kashmir issue, the entire Kashmir would have gone to Pakistan. Historical evidence proves that Sardar Patel favoured merger of Kashmir with Pakistan. An episode related by Maulana Abul Kalam Azad in his autobiography *India Wins Freedom*, proves how dear Kashmir was to Nehru.

The Maulana writes: “We had enough headaches with the Cabinet Mission and its Plan, but a new one was added by the developments in Kashmir. The National Conference, under the leadership of Sheikh Abdullah, had been fighting for political rights for the people of Kashmir. When the Cabinet Mission arrived, he thought he would use this opportunity to press his claims. He raised the slogan of ‘Quit Kashmir’ and placed his case before the Cabinet Mission. His demand was

that the Maharaja of Kashmir should end autocracy and give self-government to the people. The Maharaja's Government replied by arresting Sheikh Abdullah and his colleagues. Some time back, a representative of the National Conference had been taken into the Government and it had seemed that a compromise might be achieved. The arrest of Sheikh Abdullah and his associates dashed these hopes.

“Jawaharlal had always taken a keen interest in Kashmir's struggle for representative Government. When these new developments took place, he felt that he ought to go to Kashmir. It was also thought necessary that some arrangement should be made for the legal defence of the leaders of the National Conference. I asked Asaf Ali to attend to this. Jawaharlal said that he would accompany Asaf Ali and so the two of them left. The Maharaja's Government was irritated by this decision and issued a ban against their entry into Kashmir. When they left Rawalpindi and approached the Kashmir frontier, they were stopped at Uri. They refused to obey the ban and the Kashmir Government arrested them. This naturally created a great sensation in the country.”

As for Sardar Patel's role vis-à-vis Kashmir, there is evidence that Patel wanted Kashmir – a Muslim-majority state – to go to Pakistan. He changed his view after the Nawab of Junagadh, despite it being a Hindu-majority state, wanted to join Pakistan. Patel not only changed his opinion but decided to follow Nehru's Kashmir policy.

Some letters, exchanged between Nehru and Patel confirm this. Ten volumes of Patel's correspondence are available. These volumes have been edited by eminent journalist Durga Das. There is not a single letter in any of the volumes that indicates serious differences between Nehru and Patel over the Kashmir issue. Some letters on Kashmir have been included in the volume covering the period 1947-1950.

One such letter was written by Patel on 23 Feb 1950. In this letter, Patel wrote to Nehru: “As regards specific issues raised by Pakistan, as you have pointed out, the question of Kashmir is before the Security Council. Having invoked a forum of settlement of disputes open to both India and Pakistan as members of the United Nations Organisation nothing further needs to be done in the way of settlement of disputes than to leave matters to be adjudicated through that forum.”

The BJP often says that Nehru committed a grave mistake by referring the Kashmir issue to the UN. They also say that left to him, Patel would not have done so. But the facts are contrary to this claim. The fact is that Patel totally backed the decision to refer the Kashmir issue to the UN, as the contents of the letter quoted above prove.

I am reproducing extracts (below) from two letters written by Patel to Nehru, which leave no doubt that Patel was in total agreement with Nehru as far as India's decision to refer the Kashmir issue to the UN goes.

The other aspect of Kashmir problem related to the issue of plebiscite. On 29 June 1950, Nehru wrote a letter to Patel saying, "The international situation must have its reaction on Kashmir. What this reaction might be, I do not know. But to talk about plebiscite with the possibility of war facing us, seems to me utterly unreal."

When this letter reached Patel, he was recuperating at Dehradun. Despite being unwell, Patel replied on 3 July 1950. Patel wrote, "It appears that there is marked appreciation of what we have done for the Valley although they naturally feel that they deserve more. In such circumstances and in the world situation today, I agree with you that a plebiscite is unreal. Not only that, it would be positively dangerous because my feeling is that once the talk starts, the non-Muslims in Jammu and Kashmir would start feeling uneasy and we might be faced with an exodus to India. This would be an additional point to emphasise in respect of our stand that the conditions preliminary to plebiscite should be fully and effectively fulfilled before we can talk of it."

These letters convey the message loud and clear that Patel and Nehru were in agreement as far as the approach to the Kashmir issue was concerned.

After scrapping Article 370 and 35A of the Constitution, Prime Minister Narendra Modi declared that "Today, I have fulfilled the dreams of Sardar Patel and Dr Babasaheb Ambedkar".

Nehru-Patel correspondence shows that they had a shared dream about Kashmir. What was Patel's dream is evident from his letters. His only dream was to ensure the well-being of the people of Kashmir.

What about Dr Ambedkar? PM Modi and his colleagues should know that Dr Ambedkar was a great protagonist of Pakistan and he also favoured the division of Kashmir and wanted the Muslim-majority area to go to Pakistan.

At the end, I would like to quote yet another letter which Patel addressed to Lord Mountbatten. In this letter, he agrees with Mountbatten that the Kashmir problem cannot be solved to the total satisfaction of both the sides.

Patel wrote to Mountbatten on 16 March 1930, saying that “Regarding Kashmir, events seem to be indicate the wisdom of the line which you suggested in December 1947 but we had not accepted (it) for reasons which you know. However, as you say, the problem can only be solved peacefully to a partial dissatisfaction of both sides. We, on our part, realise it, but recognition of this has to come from the other side.”

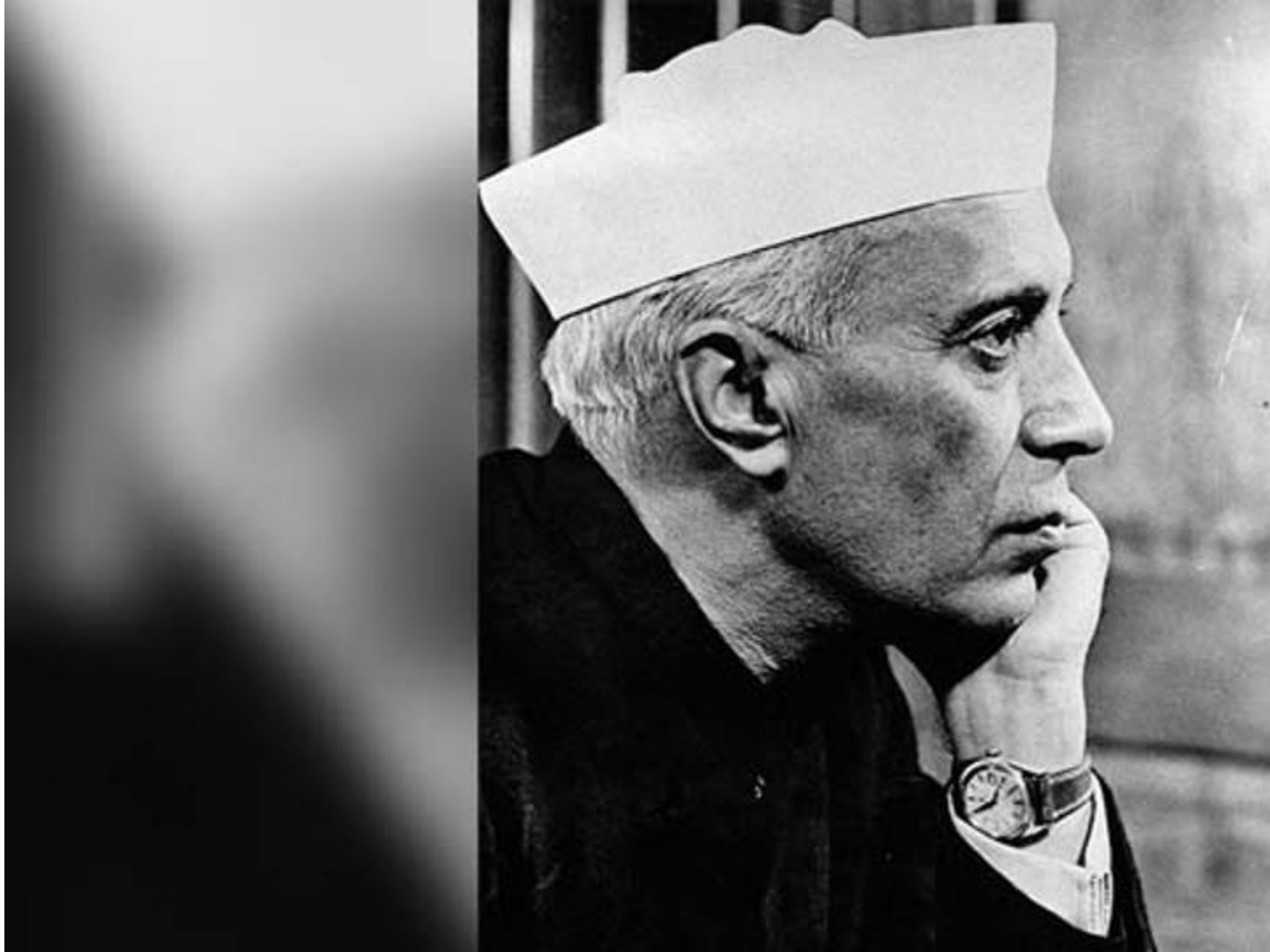
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## **Did Jawaharlal Nehru mishandle Kashmir?**

Many believe Nehru's judgment was clouded by his personal attachment to Kashmir. That could be his biggest lapse. But isn't the BJP raking up all this and also exaggerating it for political purposes?

Updated: Jul 07, 2019 06:29 IST

**Karan Thapar**



A decision to ceasefire is not determined by generals alone. In 1948, Nehru had three good reasons for ordering one (File Photo)

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It's odd that 50 years after his death, the question 'Did Nehru mishandle Kashmir or is he being unfairly blamed?' is being asked. But since Amit Shah has raised the issue, let me attempt an answer. However, I shall only focus on the issues that are conflict points between the Congress and the Bharatiya Janata Party (BJP).

First, Amit Shah has claimed Nehru wrongly declared a ceasefire in 1948 and, as a result, one-third of the state was lost to India. This is arguably corroborated by unverified reports that Gen Cariappa, who was the commander in charge of the fighting, disagreed with the ceasefire decision. He felt India could regain all of Jammu and Kashmir if the Army was given three weeks more.

However, a decision to ceasefire is not determined by generals alone. In 1948, Nehru had three good reasons for ordering one. He faced international pressure – specifically from the US – which a one-year-old country would have found hard to resist. Equally importantly, beyond the ceasefire line, the terrain and logistics were increasingly in Pakistan’s favour whilst the forces our Army would have confronted would be the Pakistan army and not the Pathan Lashkars.

The second charge is: Nehru referred the Kashmir issue to the United Nations (UN). Few would disagree that time has proved this to be a bad decision. Even contemporaneously, Sardar Patel, the deputy prime minister, advised against it.

There is, however, another way of looking at the matter. Mridula Mukherjee, a former director of the Nehru Memorial Museum and Library, says if India hadn’t gone to the UN, there was every likelihood Pakistan would have. Nehru needed to pre-empt that to ensure our case was heard as “victims” and not as alleged “aggressors”. Also, in the late 1940s, referring Kashmir to the UN was viewed as a high-minded and noble gesture. It was before the Cold War started and, therefore, impossible to perceive India would get bogged down in divisive politics.

The third charge is Nehru linked Kashmir to the Indian Union by way of Article 370 and did not fully merge the state in the way all the other princely states were merged. His supporters defend this on the grounds of the special circumstances of Kashmir’s accession. They point out that Kashmir only acceded in terms of three issues, defence, foreign affairs and communications. But that’s also true of every other state. After all, the Instrument of Accession was the same. Secondly, accession happened in 1947 whilst Article 370 was incorporated into the Constitution in 1949. So can you really justify the latter in terms of the former?

The truth is 370 was intended to be temporary and transitional but because the Kashmiri constituent assembly failed to recommend its abrogation before its own dissolution it’s now deemed permanent. Surely it was incumbent on Nehru, who served as prime minister for 17 years after Kashmir’s accession, to ensure 370 was revoked and Kashmir fully merged rather than let this special status continue? I, at least, haven’t found a convincing answer to that question.

The fourth charge is Nehru voluntarily made Kashmir’s accession conditional upon a plebiscite. Amit Shah raised this issue in the Rajya Sabha. But, as Mridula Mukherjee points out, this is precisely what Patel did when Junagadh acceded. In that case, a Muslim ruler was reluctant to merge a Hindu state with India. In Kashmir’s case a Hindu ruler merged a Muslim state with India. But the need to corroborate the accession decision with the wishes of the people was the same.

Finally, many believe Nehru’s judgment was clouded by his personal attachment to Kashmir. That could be his biggest lapse. But isn’t the BJP raking up all this and also exaggerating it for political purposes?

And what meaningful purpose is served by doing so? At a time when you urgently need to calm the troubled waters of the Valley this is creating dangerous waves. It might make good scoring points in Parliament but its short-sighted and silly.

***Karan Thapar is the author of Devil's Advocate: The Untold Story***

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***Yashwant Sinha***

<https://indianexpress.com/article/opinion/columns/misunderstanding-nehru-patel-congress-modi-bjp-india-history-5973824/>

## Misunderstanding Nehru-Patel

They often disagreed with each other. Yet they worked closely, presented a united front.

Written by [Yashwant Sinha](#) | Published: September 7, 2019 2:53:57 am

The writer is a former Union external affairs and finance minister.

The “highly educated” and “learned” people who rule the country today are teaching us a new history of India. I am not merely referring to the assertions that in ancient India, we had all the scientific and technological inventions of today like airplanes, rockets, TVs, spacecrafts and artificial intelligence but to their fulminations about the more recent events surrounding our Independence, the integration of the princely states and the roles played by Prime Minister [Jawaharlal Nehru](#) and the Deputy Prime Minister and Home Minister Sardar Vallabhbhai Patel. Their version is that whatever the Sardar handled was a great success and whatever was handled by Nehru turned out to be a great blunder. Thus, while they are trying to co-opt the Sardar as one of their own (what an irony), Nehru is being projected as a villain.

I recall the angry reaction of the home minister in the Lok Sabha during the debate on J&K when Manish Tewari of the Congress tried to assert that it was Nehru who was responsible for the accession to India of the princely states of Junagadh, J&K and Hyderabad. The moment Tewari mentioned Hyderabad, the home minister sprang to his feet to assert angrily that it was Patel who was responsible for the accession of Hyderabad, not Nehru. Tewari did not respond. I wish he had and said that the home minister was absolutely right because by the same logic the “credit” for doing what was being done in J&K must go to him rather than the prime minister.

Sardar Patel was 14 years older than Nehru and was a leader of the masses in his own right. Though Nehru had become the prime minister, the Sardar, as deputy prime minister and home minister was almost, if not truly, his equal. The recent comparison which comes to mind is that of [Atal Bihari Vajpayee](#) and L K Advani



during the 1998-2004 period when they were both in government. Like Vajpayee and Advani, Nehru and Patel had their differences, sometimes very sharp ones. But the beauty of their relationship was, like in the relationship between Vajpayee and Advani, these differences were always resolved through discussions, or, in the case of Nehru and Patel, through the Mahatma's intervention. At times the differences became so sharp that they led to Patel offering his resignation from the government, to be followed by Nehru making a similar offer. They also played politics with each other, especially when it came to party affairs or, for instance, the choice of the first president of India. Patel, who had a better grip over the party, invariably won these contests. Do you recall the Loh Purush and Vikas Purush episode when the then [BJP](#) President [Venkaiah Naidu](#) made a comparison between Advani and Vajpayee and described Advani as Loh Purush and Vajpayee as Vikas Purush? Vajpayee told Naidu that the party could march forward under the leadership of the Loh Purush and left the meeting.

Yet, despite their differences, Patel continued in government until his death and even accepted Nehru as his leader after the death of Gandhi.

The Constitution of India was still being drafted and the country had decided to adopt the Westminster type of democracy with a prime minister and his cabinet, which was supposed to be collectively responsible to Parliament. The Constitution was still a work in progress and so was the system of collective responsibility and the authority of the PM in the cabinet. Nehru was obviously keen to establish his position as primus inter pares in the cabinet and wanted his view to prevail. This often led to differences between Nehru and Patel as indeed between them and the other ministers. But is this not natural? In every cabinet there are differences among the ministers and between them and the prime minister on issues which are finally resolved and a joint front presented in Parliament and outside.

There is enough material on record to support those who are interested in only highlighting the differences between these two great men just as there is enough material to support that they got along very well. But both these views represent the two extremes. The truth lies in the middle: Nehru and Patel jointly played a decisive role in the making of Independent India. Those who contend otherwise do not understand the working of the cabinet system. So whether it was the accession of J&K to India or that of Hyderabad after the "police action", there were many rounds of negotiations, ups and downs, harrowing moments and differences of opinion among the decision-makers. Both Nehru and Patel played a vital role in the decision-making process. Governor General Lord Mountbatten also played a key role.

Patel was also party to the idea of plebiscite wherever there was dispute — Junagadh, J&K and Hyderabad. This was the clear position of the government of India then. It was Pakistan which was constantly running away from it. Patel did not resign from the cabinet when it was decided to refer the J&K issue to the UN or when ceasefire was accepted by India. He might have had his reservations, but went along with the decisions. It is equally clear from contemporary accounts that Patel would not have objected if J&K had acceded to Pakistan but he was absolutely clear that Hyderabad should accede to India.

All the decisions in those tumultuous days were taken either in the defence committee of the cabinet headed by Mountbatten or in the cabinet. Patel was a member of both. He expressed his views freely, frankly and at times, even bluntly. But always went along with the final decision taken, as did Nehru and the others.

It is easy for us to sit in judgement today after 73 years over the great men who fought for India's independence and then ruled the country. Judgement based on hindsight is a dangerous game played by especially those who are in a hurry to use history selectively to prove their prejudiced view of it.

Let us leave history to the historians.

*The writer is a former Union external affairs and finance minister*

**From Quint**

## **Did Ambedkar Oppose Article 370? No Official Records Back it**

**Video Editor: Vivek Gupta and Sandeep Suman**

**Cameraperson: Abhishek Ranjan**

After effectively revoking the special status of Jammu and Kashmir, Prime Minister Narendra Modi told the nation that the government has fulfilled Ambedkar and other tall leaders' dream.

Union Minister Arjun Meghwal and Vice President Venkaiah Naidu peddled the same narrative in their opinion pieces which were published in two national dailies, wherein they suggested that Ambedkar, who is considered the Father of the Indian Constitution, had been against the inclusion of the contentious Article 370.

Very recently, BSP President [Mayawati, a Dalit political leader](#) herself, relied on BR Ambedkar to justify the BSP's support for the abrogation of Article 370.

But did Ambedkar really oppose Article 370?

A closer look at his views at the time don't align with the what many leaders are saying.

### **Ambedkar's Views on Kashmir**

Ambedkar's well-documented speeches, writings and parliamentary debates, which are available on the [Ministry of External Affairs' website](#), make it evident that he sought a quick solution for the Kashmir issue and had, in fact advocated a [plebiscite](#).

Ambedkar even said that the Partition was the right solution for Kashmir!

In a speech Ambedkar rendered in the Parliament on [10 October 1951](#), while resigning from Nehru's cabinet, he said,

*“Give the Hindu and Buddhist part to India and the Muslim part to Pakistan, as we did in the case of India. We are really not concerned with the Muslim part of Kashmir. It is a matter between the Muslims of Kashmir and Pakistan. They may decide the issue as they like.”*

BR Ambedkar, in 1951

He had specifically suggested a zonal plebiscite and said, “... If you like, divide it into three parts: the Cease-fire zone, the Valley and the Jammu-Ladhak Region, and have a plebiscite only in the Valley. What I am afraid of is that in the proposed plebiscite, which is to be an overall plebiscite, the Hindus and Buddhists of Kashmir are likely to be dragged into Pakistan against their wishes and we may have to face the same problems as we are facing today in East Bengal.”

Hence, far from wanting Kashmir to remain a part of India under the compromise formula of Article 370, Ambedkar was of the view to give the Muslim part to Pakistan. Quite the opposite of what the prime minister or Mayawati have been saying in public!

Unsurprisingly, the Nehru government didn't accept Ambedkar's suggestions.

In another speech in [1953, during a parliamentary](#) debate on India's foreign policy, Ambedkar said,

*“The key note of our foreign policy is to solve the problems of the other countries, and not to solve the problems of our own. We have here the problem of Kashmir. We have never succeeded in solving it. Everybody seems to have forgotten that it is a problem. But I suppose, some day, we may wake up and find that the ghost is there.”*

BR Ambedkar, in 1953

Now, let us also examine Ambedkar's views on Article 370.

## **Ambedkar on Article 370**

There is no evidence to show that Ambedkar was against Article 370.

The closest we get to understanding Ambedkar's views on Article 370 is through what he had said during a debate on Representation of People's Bill in the Parliament in 1950.

Referring to the special status of Jammu and Kashmir, Ambedkar said, "Parliament has no room to make any provision with regard to the representation of Kashmir." He had also mentioned that the J&K government is supreme.

*"The Article relating to Kashmir says that only Article 1 applies, that is to say, Kashmir is part of the territories of India. The application of the other provisions of the Constitution, that Article says, will depend upon the President, who may in consultation with the Government of Kashmir, apply the rest of the Articles with such modifications and alterations as he may determine."*

BR Ambedkar

So, what about the quote that Vice President Naidu and Union Minister Meghwal have used in their articles pertaining to Ambedkar and Article 370? This is how [they quoted](#) Dr Ambedkar: "You want India to defend Kashmir, feed its people, give Kashmiris equal rights all over India. But you want to deny India and Indians all rights in Kashmir. I am a Law Minister of India, I cannot be a party to such a betrayal of national interests."

But, here's the interesting thing. This quote is not a part of any official government record.

### **So, Where is the Quote From?**

We found that this quote appeared in an article written by RSS leader Balraj Madhok which was published in the RSS mouthpiece, *Organiser*, on 14 November 2004.

It is said that the quote was based on a [conversation between](#) Madhok and Ambedkar, however, there is no proof of the same.

One may as well ask: When Ambedkar spoke so fearlessly and in such an articulate manner on so many issues of national interest, including Kashmir, why did he never express the views being claimed by the current leadership in the Parliament in a publicly made speech?

While the abrogation of Article 370 may have its merits as well as demerits, political leaders and sections of the media have misrepresented facts to shape public opinion on Kashmir's special status.

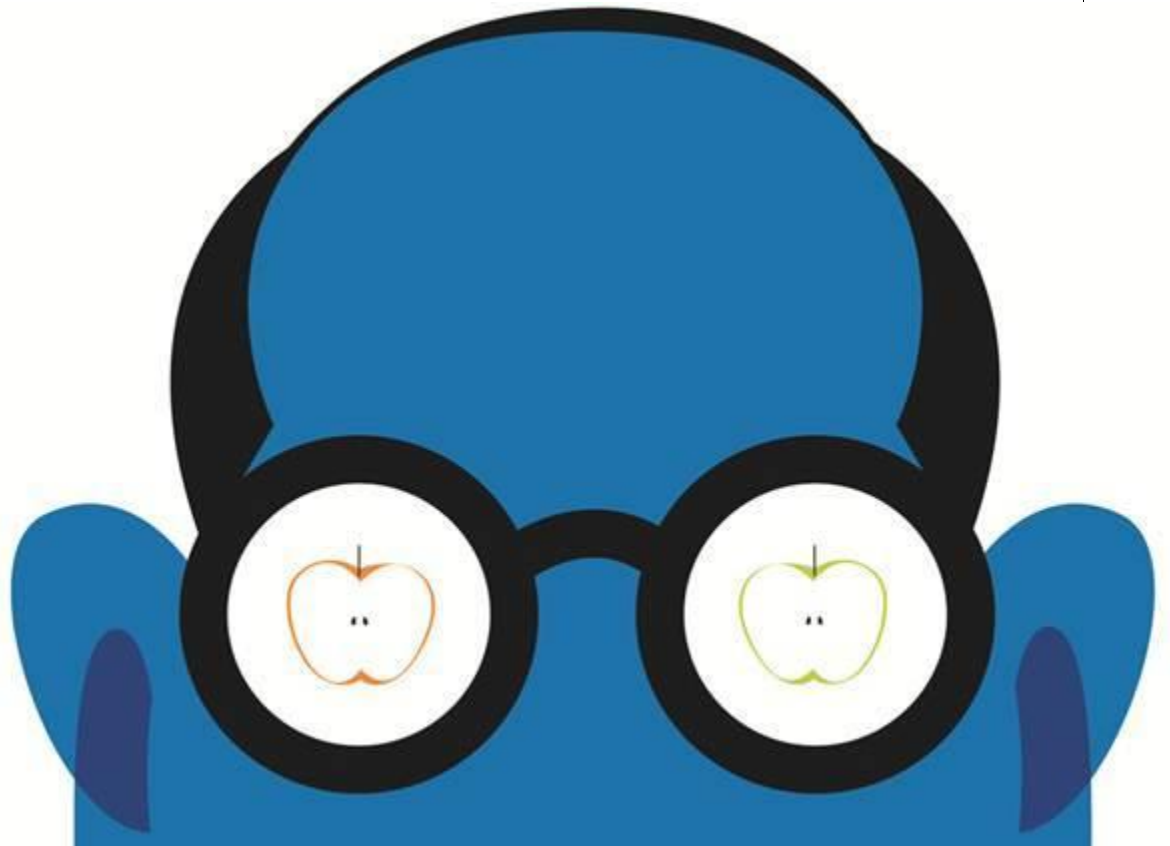
How else could Ambedkar have gone from being a supporter of plebiscite to someone who opposed Article 370?

# Ambedkar's nationalism wouldn't have been acceptable to Mookerjee, his political progeny

Ambedkar disagreed with Nehru government's stance on Article 370. But his notion of nationalism was at complete variance with the vision of Syama Prasad Mookerjee.

Written by [Valerian Rodrigues](#) | Updated: September 6, 2019 11:07:13 am

The writer taught political science at Mangalore University and JNU.</em>



Following the changes to [Article 370](#) of the Constitution converting the state of Jammu and Kashmir (J&K) into two Union Territories, J&K and Ladakh, several leaders of the [BJP](#) have attempted to construct a narrative that invokes B R Ambedkar to justify the measures. Some of them have even aligned his views and concerns on this issue with those of Syama Prasad Mookerjee, the founder of the Bharatiya Jana Sangh, who led an agitation against the mandatory permit to visit J&K, demanding the full merger of the state with India. Ambedkar

and Mookerjee are then projected as allies pitted against [Jawaharlal Nehru](#), who by defending an autonomous constitutional status to J&K, undercut the determined efforts of Sardar Patel towards India's national consolidation. To what extent does this narrative square with what we know about Ambedkar's stance on this issue?

Kashmir figures prominently in Ambedkar's resignation speech as the Union law minister in the interim Parliament on October 11, 1951, when he cites his disagreement with the Nehru government's policy towards the state. He argues that "the right solution" to the J&K dispute "is the partition of Kashmir. Give the Hindu and Buddhist part to India and the Muslim part to Pakistan as we did in the case of India". "Or if you like", he adds, "divide it into three parts — the ceasefire zone, the Valley, and the Jammu-Ladakh region and have a plebiscite only in the Valley."

Ambedkar cites the following reasons for it: First, given India's commitment to hold a plebiscite in the state and Pakistan's belligerent claims on it, "the Hindus and Buddhists of Kashmir are likely to be dragged into Pakistan against their wishes". On the other hand, if the Valley chose to be part of India through the plebiscite, then Pakistan's claim over it can be debunked decisively. Second, if the pot is kept boiling in Srinagar, which Nehruvian policy has resulted in, armed stand-off with Pakistan will be a permanent feature of India's security policy, eating up resources that should rightfully be used to improve the condition of people in India. He felt that India's defence expenditure was eating up more than half of the Union revenue. Third, the excessive attention that J&K has cornered in policy circles has led to ignoring several other urgent concerns, particularly those arising from the carving out of East Pakistan. Fourth, India has lost much goodwill, its social capital, at the time of Independence, in global forums, due to the foreign policy of the Nehruvian regime, in which J&K figured prominently.

Ambedkar repeated many of these arguments in the manifesto of the Scheduled Caste Federation in 1951, released soon after his resignation from Parliament. In this context, it is interesting to point out that Sheikh Mohammad Abdullah in his autobiography, *The Blazing Chinar*, takes little notice of these arguments, although the media at the time extensively commented on the issue and conservative Hindu politicians denounced Ambedkar's position on the Kashmir Valley.

Ambedkar's critique of Article 370 is directed against its justification by partisans of the measure. While moving the Article (then Article 306 A) in the Constituent Assembly on October, 17, 1949, N Gopalaswami Ayyangar had argued that this special provision is made because "that particular state is not yet ripe for this kind of integration. It is the hope of everybody here that in due course even Jammu and Kashmir will become ripe for the sort of integration as has taken place in the case of other states". He further said, "the Government of India have committed themselves to the people of Kashmir in certain respects. They have committed themselves to the position that an opportunity would be given to the people of the state to decide for themselves whether they will remain with the Republic or wish to go out of it. We are also committed to ascertaining the will of the people by means of a plebiscite provided that peaceful and normal conditions are restored and the impartiality of the plebiscite could be guaranteed". Ambedkar thought that such a policy measure had never taken off, and led to nomination of even representatives of the state to Parliament. Ambedkar had consistently opposed

representation through nomination from his submission before the Southborough Committee in 1919. He felt that the Article, as it stood in 1951, denied democratic rights to the people of J&K in the name of safeguarding the state's autonomy.

While Ambedkar's attack on the Nehruvian policy on Kashmir was scathing, it was not less so with regard to Hindu nationalism and the idea of national unity that Syama Prasad Mookerjee subscribed to. In Pakistan or Partition of India (1946), he had argued that nationality is a "feeling of consciousness of kind" which binds together a people and the absence of a political setting germane to this feeling may reinforce nationalism, that is, "a desire for a separate national existence". Nationalism enacts itself by forging the common bond and shedding that which divides. Use of force to suppress the feeling of nationalism has proved counterproductive. While there was much in common among Muslims and Hindus in India, the former have increasingly come to consider themselves as a nationality and there has been no conscious and reflective attempt to undo such a feeling. If secession is inevitable, it has to be carried out through a plebiscite in the concerned territory and appropriate institutions and processes for the relocation of people and to protect minority rights must be put in place.

Ambedkar also argued that if a nationality wants to go its way, and efforts to forge a common bond were in vain, then the security of the state and the prosperity of its citizen-community leave one with little option but to part ways, rather than be caught in the quagmire of violence and insecurity. Clearly such a notion of nationalism, and the consequences that follow from it, would not be acceptable to Syama Prasad Mookerjee and his political progeny.

*This article first appeared in the print edition on September 6, 2019 under the title 'Babasaheb and Kashmir'. The writer taught political science at Mangalore University and JNU.*

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From Hindi Book

## **Nehru Mithak aur Satya by Piyush Babele**

वी शंकर के इस बयान से कुछ बातें साफ होती हैं.

पहली धारा 370 संविधान में जोड़ना सरदार पटेल की बड़ी सिद्धि है. दूसरी यह कि यह धारा संविधान सभा में तब पास हुई जब नेहरू देश में थे ही नहीं. तीसरी यह कि नेहरू के समर्थन के बावजूद कांग्रेस का बड़ा हिस्सा धारा 370 के खिलाफ था. चौथी यह कि पटेल ने इस बड़े वर्ग को न सिर्फ समझाया, बल्कि बिना किसी खास चर्चा के धारा 370 को संविधान सभा में पास करा लिया.

पुस्तक: नेहरू मिथक और सत्य लेखक: पीयूष बबेले

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## From Kashmir and 370 to Partition, BJP's Hatred of Nehru is Fuelled by Falsehoods

Amit Shah recently claimed that if it wasn't for Nehru, Pakistan-occupied Kashmir would have been in India's possession. The truth is, if Kashmir is a part of India, it is almost entirely because of Nehru.



[A.G. Noorani](#)

09/AUG/2019

The Sangh *parivar*'s hatred of Jawaharlal Nehru is perfectly understandable. At the time of the Partition of India, he stood by Gandhi and bravely fought back the rising surge of hate fostered by the Rashtriya Swayamsevak Sangh (RSS). The RSS supremo, M.S. Golwalkar's plans to exterminate Muslims were detected, as the chief secretary of Uttar Pradesh, Rajeshwar Dayal revealed in his memoir [A Life in Our Time](#).

Had he been arrested, as Dayal suggested, Gandhi's life would have been spared. The Bharatiya Janata Party (BJP) and the RSS still feel very uneasy about Gandhi. L.K. Advani got installed in the hall of parliament the portrait of V.D. Savarkar – whom a judge of the Supreme Court, Justice J.L. Kapur, held guilty of being a member of the conspiracy to kill Gandhi. Savarkar is author of the *parivar*'s Bible, *Hindutva*. Gandhi's portrait there faces that of his assassin.



This writer gauged the depth of the BJP's hatred of Nehru in 1989 when he met Jaswant Singh, a friend some of us thought was a liberal. He asked me for the word in Urdu for an idol breaker. It is *butshikan*. He proceeded to tell me, for the first time, that we must demolish three "idols" – planning and non-alignment. He did *not* mention the third. It was, obviously, secularism. In Mumbai he lamented before a gathering of businessmen that in India, three Gs are treated with scorn – Gai, Ganga and Gita. He had never stated this falsehood before.

Hatred of Nehru has been fuelled by falsehoods of history. But the truth was never a parivar virtue. To cite an instance, Advani brazenly contradicts himself on the Jan Sangh's transformation into the BJP in one and the same book, *My Country, My Life* (2008). At page 38, he writes that the Jan Sangh "later became the Bharatiya Janata Party" in 1980. But at page 311, he writes: "while affirming our proud link with *both* the Bharatiya Jan Sangh and the *Janata Party*, connoted that we were now a *new* party with a *new* 'identity'" (emphasis added throughout).

This is a brazen falsehood. The BJP soon developed an item in its credo, "Gandhian Socialism". A.B. Vajpayee spoke the truth: "When did we leave the Jan Sangh?"

This earned it the wrath of the RSS, which wanted revival of the Jan Sangh. Vajpayee and Advani knew that the Sangh's name was mud in the country. It needed the destructive slogan of Ayodhya – which Rajiv Gandhi generously provided it in 1986 – for the BJP to rise from two seats in the Lok Sabha in 1984 to 89 in 1989.

If these people could utter lies on a matter like this, one should not expect anything better on Nehru's record. If Kashmir is a part of India, it is almost entirely because of Nehru. He had the foresight to forge an understanding with its tallest leader, Sheikh Muhammad Abdullah in the 1930s. As far back as in May 1947, he wrote a detailed memorandum to the Viceroy Mountbatten staking a claim to Jammu and Kashmir ahead of the Partition. The BJP's ancestor, the Jan Sangh, was interested only in Jammu and its proxy, the Praja Parishad.

On January 1, 1952, Nehru uttered a bitter truth which still rankles in the minds of the BJP. Its behaviour in recent months has vindicated Nehru. He said:

"You can see that there can be no greater vindication than this of our secular policies, our Constitution, that we have drawn the people of Kashmir towards us. But just imagine what would have happened in Kashmir if the Jan Sangh or any other communal party had been at the helm of affairs. The people of Kashmir say that they are fed up with this communalism. Why should they live in a country where the Jan Sangh and the Rashtriya Swayamsevak Sangh are constantly beleaguering them? They will go elsewhere and they will not stay with us." (S. Gopal [Ed.] *Selected Works of Jawaharlal Nehru*; Vol.17; p.78).

Patel was also privy to the pledge on plebiscite as, indeed, was his cabinet colleague Shyama Prasad Mukherjee. One does not expect the historical truth from man like a Narendra Modi and his man Friday Amit Shah. They are not only uneducated but uneducable. What Shah, now Union home

minister, [said in his speech](#) in the Lok Sabha on June 28 deserves note because it recites all the BJP's main charges against Nehru. No cabinet minister is able to open his mouth on any subject without praising Modi to the skies. How long this political obscenity lasts remains to be seen.

### *The Partition*

Let us begin with this first charge. The entire Congress, Patel included, was privy to it. The Congress of 2019 is not the Congress of 1947 or 1944. The formula which Gandhi offered to Jinnah in 1944 envisaged the Partition of India after a plebiscite of "contiguous Muslim majority districts".

But the greatest splitter was Mukherjee, the Jan Sangh's founder: He was a collaborator with the British, teaching the governor how to defeat the Quit India movement. Jinnah could not have spent *three* hours talking to him unless Partition was a topic.

The Cabinet Mission's Plan of May 16, 1946, was the last chance of preserving India's unity. It envisaged a united federal India. Jinnah accepted it, the Congress did not. Mukerjee hated it, he wanted Partition. This is what he wrote to Patel on May 11, 1947:

"I hope there is no possibility of the Muslim League accepting the Cabinet Mission Scheme at the last stage. If Mr. Jinnah is compelled to do so by the force of events, please do not allow the question of partition of Bengal to be dished. Even if a loose Centre as contemplated under the Cabinet Mission Scheme is established, we shall have no safety whatsoever in Bengal. We demand the creation of two provinces out of the present boundaries of Bengal – Pakistan or no Pakistan." (Durga Das [Ed.]; *Sardar Patel's Correspondence*; Vol. 4, p. 40).

Thus, even if there was no Partition, Bengal must be partitioned on religious lines. Its impact on the nature of the federation and on the affected provinces, East Bengal, Sind, Punjab, N.W.F.P. and Balochistan can well be imagined.

There always existed a section of the Hindu politicians which preferred Partition. Lajpat Rai said as much in 1924. Why did Mukerjee join a cabinet in 1947 whose leaders had accepted the Partition of India? He did so with the same ease with which he had joined Fazlul Haq's cabinet in Bengal. He wanted J&K also to be partitioned on communal basis. He was a partitionist to the core.

Yet Amit Shah said: "Who has done the Partition? We did not do that. Who gave consent for Partition? Today also we tell that, the nation should not be divided based on the religion. It was a historical mistake. Its height is like Himalayas and depth is like ocean. But we did not do that mistake. Mistake was done by you, your party has done and you can't run from that history."

### *The ceasefire in Kashmir*

Amit Shah said: “Jawaharlal Nehru was the prime minister who called for a ceasefire. That part is now in Pakistan. You are teaching us history, making allegations, and doing press conference, we will not take this and that into confidence. Without taking into confidence the home minister and deputy prime minister of the nation, Jawaharlal Nehru has taken the decision; if [others were] taken into confidence, today the Pakistan-occupied Kashmir would have been in India’s possession.”

This is utterly and totally false. Volume 1 of Patel’s correspondence belies the charge that Patel was not taken into confidence. In that event, he was man enough to resign from the cabinet. The record was set out in full by a professional military historian, S.N. Prasad, based on interviews and official records. He was director, historical section of the Ministry of Defence. *History of Operations in Jammu & Kashmir (1947-48)* was published in 1987 by the history section of the defence ministry. The history’s analysis is set out here *in extenso*.

“The enemy had in December 1948 two infantry divisions of the regular Pakistan Army, and one infantry division of the so-called ‘Azad Kashmir Army’ fighting in the theatre. These comprised fourteen infantry brigades; or 23 infantry battalions of the Pakistan Army and 40 infantry battalions of “Azad Kashmir”, besides 19000 Scouts and irregulars. Against this, the Indian Army had in J&K only two infantry divisions, comprising twelve infantry brigades; a total of some 50 infantry battalions of the regular army and the Indian States Forces, plus 12 battalions of the J&K Militia (some with only two companies) and 2 battalions of the East Punjab Militia.

Even if the above statement of comparative strength is taken as approximately correct, it is clear that *Indian forces were definitely outnumbered by the enemy in J&K*, and only the superior valour and skill, and perhaps fire-power, together with the invaluable help from the tiny Air Force, enabled the Indian Army to maintain its superiority on the battlefields. There can be no doubt, however, that any major offensive required more Indian troops in J&K. ...

The position regarding further Indian reinforcements for J&K was none too comfortable. Infantry was the basic requirement in the mountainous terrain, and infantry units of the Indian Army were fairly fully occupied elsewhere. About the end of 1948, there were 127 infantry battalions of the Indian Army, including Parachute and Gorkha battalions and State Forces units serving with the Indian Army, but excluding Garrison battalions and companies. Of these 127, some fifty battalions were already in J&K. Twenty-nine battalions were in the East Punjab, guarding the vital sector of the Indo-Pakistan frontier. Nineteen battalions were stationed in the Hyderabad area, where the Razakars still posed a potential threat to law and order and the Military Governor required strong forces at hand to complete his task of pacifying the area. There were thus only twenty-nine battalions, available for internal security, to guard the thousands of kilometres of frontier, and to act as the general reserve.

By scraping the barrel, more forces could certainly be despatched to J&K. But this would have accentuated the supply problem, as the entire force in J&K had to be maintained by a single rail-head, and a single road. This road was long and weak, and had numerous narrow bridges with which few liberties could be taken.

While logistics put a definite limit to the size of the forces that India could maintain in J&K. Pakistan suffered from no such limitation. There were numerous roads from Pakistan bases to the J & K border, and from there the actual front-line was generally accessible by short tracks or roads. So there was no maintenance problem for whatever reinforcements Pakistan could send to her forces in J&K to block any Indian advance.

Indian forces, therefore, had to operate in J&K under a definite and severe handicap. The enemy could not be beaten decisively by local action within the boundaries of J&K. For decisive victory, it was necessary to bring Pakistan to battle on the broad plains of the Punjab itself; the battle of J&K, in the last analysis, had to be fought and won at Lahore and Sialkot, as events brought home in 1965. *So, if the whole of J&K had to be liberated from the enemy, a general war against Pakistan was necessary.* There can be hardly any doubt that Pakistan could be decisively defeated in a general war in 1948-49, although both the Indian and the Pakistan armies were in the throes of partition and reorganization then.” (pp.373-5).

India secured the Valley, Jammu and Ladakh. In 1948-49, it could not afford “a general war”.

#### *Reference to the United Nations Security Council*

Given the military situation, a ceasefire was imperative. Had it not acted, Pakistan would have gone there first, citing India as a respondent. The issue first came up on December 8, 1947, at Lahore when Mountbatten and Nehru went there to meet Liaquat Ali Khan. They discussed a draft agreement. Liaquat Ali Khan agreed to a reference to the UN. Mountbatten began to persuade Nehru to agree to this.

Discussions were resumed in New Delhi on December 21-22, 1947. For long, Nehru was “bitterly opposed” to a reference to the UN. He agreed to it by December 22. The draft was approved by Gandhi who deleted the option of independence. (S. Gopal; Nehru; Vol. 2; p.22).

In view of later criticism, it is important to note how and why things went wrong:

“I (Mountbatten) informed him (Nehru) of my view that one of the main reasons why India’s case had gone so badly at the Security Council was because the Indian delegation was completely outclassed by the Pakistan delegation. Not only was Mr. Gopaldaswami Ayyangar completely the wrong type to send, not being a good social mixer and having a harsh, inaudible voice; but also there was nobody to compare with Mr. Mohammed Ali for doing background work behind the scenes. I told Pandit Nehru that my choice of the delegation would have been Sir C.P. Ramaswami Aiyar as leader, with Mr. H.M. Patel and possibly General Bucher. I suggested that, if it was intended to continue discussions at Lake Success after an adjournment, this team, rather than the present one should be sent. Pandit Nehru said that he would think this suggestion over.”

Another delegate India sent was the pompous, unsociable M.C. Setalvad. This charge does not figure in Amit Shah’s speech but it does in BJP’s discourse.

## Article 370

The Article represents a compact between the state of J&K and the Union. It was *negotiated* for six months from May 15, 1949 to October 16, 1949. The Union's team comprised Nehru and Patel; Kashmiris' team included Sheikh Abdullah and Mirza Afzal Beg. It was adopted by the Constituent Assembly of India on October 17. Nehru was away in the US. Patel led the Union's team and altered the text along with M. Gopaldaswamy Ayyangar as Patel's letters dated October 16 and November 3, 1949 reveal.

Amit Shah said: "This treaty (Instrument of Accession) was not only made with Jammu-Kashmir, it was made with the 630 princely states of the nation. The treaty was made with 630 princely states, and 370 was not there. Sri Jawaharlal Nehru has negotiated at one place, and there is 370."

The Instruments of Accession, signed by all in 1947, adopted the bare federal structure under the Government of India Act, 1935. It was adapted by India as its provisional constitution under the India Independence Act, 1947. All the princely states accepted Part B of India's new constitution. Kashmir alone adopted by another Instrument the Constitution with its Article 370, which it had negotiated with the Centre for five months, only to be deceived five years later.

Marginal notes are referred to if the text is ambiguous in order to explain it. No marginal note can ever control the text itself. The marginal note "temporary provisions" does not set any term for Article 370. That is done by Clause (3) which confers that decision on Kashmir's Constituent Assembly alone. With its formal dissolution on January 27, 1957, Article 370 ceased to be available to the Centre still less open to abrogation by some upstarts in New Delhi.

But why "temporary"? The sponsor of Article 370 in India's Constituent Assembly M. Gopaldaswamy Ayyangar explained why on October 17, 1949:

"Kashmir's conditions are, as I have said, special and require special treatment. I shall briefly indicate what the special conditions are. In the first place, there has been a war going on within the limits of Jammu and Kashmir state.

There was a ceasefire agreed to at the beginning of this year and that ceasefire is still on. But the conditions in the state are still unusual and abnormal. They have not settled down. It is therefore necessary that the administration of the State should be geared to these unusual conditions until normal life is restored as in the case of the other states. Part of the state is still in the hands of rebels and enemies.

We are entangled with the United Nations in regard to Jammu and Kashmir and it is not possible to say now when we shall be free from this entanglement. That can take place only when the Kashmir problem is satisfactorily settled.

Again, the government of India have committed themselves to the people of Kashmir in certain respects. *They have committed themselves to the position that an opportunity would be given to the people of the state to decide for themselves whether they will remain with the Republic or wish to go out of it.* We are also committed to ascertaining this will of the people by means of a plebiscite provided that peaceful and normal conditions are restored and the impartiality of the plebiscite could be guaranteed. We have also agreed that the will of the people, through the instrument of a constituent assembly, will determine the constitution of the state as well as the sphere of Union jurisdiction over the state.

At present, the legislature which was known as the Praja Sabha in the state is dead. Neither that legislature nor a constituent assembly can be convoked or can function until complete peace comes to prevail in that State. We have therefore to deal with the government of the state which, as represented in its Council of Ministers, reflects the opinion of the largest political party in the state. Till a Constituent Assembly comes into being, only an interim arrangement is possible and not an arrangement which could at once be brought into line with the arrangement that exists in the case of the other states.

Now, if you remember the viewpoints that I have mentioned, it is an inevitable conclusion that, at the present moment, we could establish only an interim system. Article 306A [this was the draft number for the Article that would eventually become 370] is an attempt to establish only an interim system. Article 306A is an attempt to establish such a system.

It will remain “interim” or “temporary” till a plebiscite is held or “when the Kashmir problem is satisfactorily settled.”

*Shyama Prasad Mukherjee death in Kashmir on June 23, 1953.*

The Jan Sangh stooped to present forged documents and perjured oral evidence by Nana Deshmukh before Justice Y.V. Chandrachud on the death of Deen Dayal Upadhyaya in 1968. It stoops to the same level on Mukherjee’s death. Significantly, his acolyte Balraj Madhok made no such charge against Nehru or Abdullah in his book *Portrait of a Martyr* (196-97). He was treated by Dr Ali Mohammed, a physician of high repute. Madhok’s charge is not murder but “criminal negligence in the treatment” (p.242).

Amit Shah simply went haywire: “Today if Bengal is in India, it was due to the contribution of Shyama Prasad ji; otherwise Bengal would not have been part of India”.

He mentions Murli Manohar Joshi’s adventure to Lal Chowk, Srinagar; omits L.K. Advani’s presence, and adds that of “Narendra Modi ji putting their lives in danger” – despite full security. Finally, Shah concedes that “there is a gulf between the people of Jammu and Kashmir and India. But, why confidence was not built, because no efforts were made to build the confidence from the beginning itself.”

The arrest of Sheikh Abdullah on August 8, 1953, and his detention for 11 years inflicted a scar which still refuses to heal. The BJP regime’s crack down on August 5, 2019, will ensure far more lasting damage.

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## **Jammu & Kashmir: PRIME INDICATORS OF DEVELOPMENT**

<https://www.thecitizen.in/index.php/en/NewsDetail/index/4/17423/Development-of-KashmirReally>

<b>Sector</b>	<b>J&amp;K</b>	<b>UP</b>
Potable/tap water [ % of pop.]	64%	27%
Toilets	51.2%	36%
Power consumption [ units/h'hold]	1199	593
Phones [per 100 pop.]	91	74
Life expectancy	73.5 yrs	64.8 yrs.
GDP per capita [2016-17 figs]	Rs.1.02 lakhs	Rs.57,024
	[ The all-India figure was Rs.1.17 lakhs]	
Poverty ratio [2011 census]	10.35%	23.95%
	[ The all-India figure was 21.92%]	
Hospital beds	1/ 1066 pop.	1/2904 pop.
Unemployment	5.3%	6.4%
Total Fertility Rate(TFR)	1.7%	3.1%
Birth rate [per 1000 pop]	15.7	26.2
Infant mortality rate	23	33
Sex ratio [All-India 896]	917	912
Literacy rate	67.2	67.6



# Vidoes

1. Ambedkar and Article 370

[https://www.thequint.com/news/webqoof/ambedkar-and-article-370-facts-or-propaganda-to-fit-the-current-discourse?utm\\_source=The+Quint+Daily+Newsletter&utm\\_campaign=4fa59d65a0-EMAIL\\_CAMPAIGN\\_2019\\_09\\_04\\_03\\_05&utm\\_medium=email&utm\\_term=0\\_a705f3f64f-4fa59d65a0-137375005](https://www.thequint.com/news/webqoof/ambedkar-and-article-370-facts-or-propaganda-to-fit-the-current-discourse?utm_source=The+Quint+Daily+Newsletter&utm_campaign=4fa59d65a0-EMAIL_CAMPAIGN_2019_09_04_03_05&utm_medium=email&utm_term=0_a705f3f64f-4fa59d65a0-137375005)

2. <https://www.youtube.com/watch?v=i4sYiE9GVk0>

Backgrounders

1. Part 1 (Hindi)

<https://www.youtube.com/watch?v=amiRmNkvVe0>

2. Part 2 (Hindi)

<https://www.youtube.com/watch?v=Fu0Qc0RJByE>

3. English

<https://www.youtube.com/watch?v=tRbVvdJ4WEk&t=6s>

Present scenario (English)

<https://www.youtube.com/watch?v=i4sYiE9GVk0&feature=youtu.be>

other videos

<https://youtu.be/i4sYiE9GVk0>

<https://www.youtube.com/watch?v=YNN84HmC5ZU&t=96s>

4. Kashmir part 1

[https://www.youtube.com/watch?v=pp1\\_HIQWUpw&t=37s](https://www.youtube.com/watch?v=pp1_HIQWUpw&t=37s)

Kashmir part 2

<https://www.youtube.com/watch?v=yWfrCjtx4WI&t=31s>

Kashmir Part 3

<https://www.youtube.com/watch?v=h6DxDLcXTIA&t=2s>

5. Kashmir today (English)

<https://www.youtube.com/watch?v=RSvKwKhLMOI>

Hindi

(Article 370 and Article 35 A)

<https://www.youtube.com/watch?v=Ua6CyJi1fb0>