

Kashmir and the Indian Union

Development of a Relationship

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Jammu and Kashmir: Triumph and Tragedy of Indian Federalisation by Balraj Puri; Sterling, New Delhi, 1981; pp x + 280.

IT is difficult for an active participant in political events to be able to look back at them with detachment. But this work by Balraj Puri, an account of the events that lead to the accession of Jammu and Kashmir to India in October 1947, the arrest of Sheikh Abdullah in August 1953, and the subsequent uneven process of the state's political integration with the rest of the country, comes close to achieving this.

While acknowledging the significance of the Sheikh in the long-drawn process of the political and emotional integration of the state with the rest of India, Puri makes no bones about the Sheikh's autocratic character. He also does not appear over the phase when the Sheikh was hobnobbing with the Americans, his secret meeting with Loy Henderson, the American envoy to India, the adoption of an aggressive posture towards New Delhi following meetings with Adlai Stevenson, and the canvassing for an independent Kashmir. In the process, even Maulana Azad's efforts to bring about a settlement were spurned by the Sheikh. In the early period Nehru would tend to view these apparently mercurial aspects of the Sheikh with indulgence. But his patience ultimately ran out and he later justified the arrest as a "lesser evil". The Delhi Agreement of July 1952 arrived at between the Sheikh and the Government of India was premised on the fact of the state's accession to India. But the Sheikh could feel able to tell the Jammu and Kashmir Constituent Assembly after signing the agreement that "... we can sever our relations with India even today if we wish to do so". Even if the Sheikh sincerely believed this to be the legal or constitutional position, such remarks were clearly not calculated to further an amicable relationship with New Delhi particularly since he cannot have been oblivious of the angry reaction that the 1952 agreement had evoked among Nehru's opponents, especially the Hindu-oriented among them. That the position taken by the Sheikh was quite untenable was implicitly recognised by him later when the 1975

accord put paid to his earlier interpretation of the 1952 agreement.

Puri has documented the not very creditable interventions made at the time by parties on the Left, including the Communist Party of India and M N Roy's Radical Democratic Party. Even after the Delhi agreement of July 1952 had been reached, prominent national leaders of the CPI, inspired by their not yet complete understanding of the nationality question, met Sheikh Abdullah to plead with him not to "surrender" to Nehru. The utter futility of this becomes evident when we recall that a quarter century later the Left was to welcome the Indira-Abdullah accord which went much further than the 1952 agreement in integrating the state with the rest of the country. The Left's early prodding of Sheikh Abdullah continued at least until it sunk in that the positions into which the Sheikh was thus being led suited United States designs perfectly.

Puri points to the circumstances in which Shymaprasad Mukerjee started by opposing the Delhi agreement only to end up, in the context of the great deterioration in the situation that followed, with the position that he would be happy if he could secure implementation of that agreement! Clearly, the activities of groups both on the left and right directly or indirectly strengthened the position of extremists within the Sheikh's camp.

NATIONAL CONFERENCE IN JAMMU

While the role of prominent Kashmiri leaders of the National Conference on the one hand and the Jammu-based leaders of the Praja Parishad on the other have been well-researched, that of the Jammu-based leadership of the National Conference has not attracted similar attention. Balraj Puri, who was at one time himself part of this leadership, helps to fill this gap — even if only partially.

The key to this role lies in the events of May-June 1949 when the campaign for the abdication of the Maharaja was at its height. Significantly, there is a sudden jump in Puri's analysis surrounding the happen-

ings of June 1949 when the Maharaja of Kashmir announced that he would leave the state for a short period leaving behind Karan Singh as Regent. More importantly, what has not been fully explained are the circumstances leading to the expulsion from the primary membership of the National Conference, of some of the leaders of the abdication campaign.

In fact Puri's style becomes 'racy' and uncharacteristic of the rest of the book from the point where he mentions the meeting in May 1949 between a deputation of leaders of the abdication campaign on the one hand and Nehru and Gopalaswamy Ayyangar on the other. The deputationists' demand seemed, according to Puri, to impress upon people that the issue was not merely one of a ruler versus his Muslim subjects. It was a wider issue concerning constitutional government, with which even non-Muslim leaders from Jammu and elsewhere sympathised. He himself stresses that the expulsion from the party later that month of the Jammu-based National Conference leaders of the abdication campaign created a political vacuum in the Jammu region: he points out further that the Hindu-oriented Praja Parishad thus took up the leadership of the Jammu region virtually by default.

It is therefore strange that Puri should seem to slur over the circumstances surrounding the expulsion. He does mention, however, that the Jammu National Conference group had "incidentally" advised Karan Singh "to join public life and provide political leadership to [the] Jammu region..." No mention is made of whether the group at all pondered the implications of this action so far as the Sheikh was concerned. For, whatever his public postures may have been, the Sheikh could not have taken kindly to this appeal to Karan Singh. He could reasonably have been expected to interpret this as an attempt to undercut him in Jammu and to react sharply. Puri does not explain what precisely prompted the Jammu-based National Conference leaders to take such a step which politically, if not formally, could be seen as implying acceptance of the dynastic principle.

The manner in which National Conference leaders wished to use Karan Singh at this stage has still not been completely documented. But the over-enthusiasm exhibited by the Jammu National Conference leaders in this

respect appears to have been their contribution to the worsening spiral of events — an aspect Puri glosses over.

GROWTH OF FEDERALISATION

The constitutional and political aspects of what Puri calls the growth of federalisation have been considered by him in considerable detail. At the time the draft of Article 370 was introduced in the Constituent Assembly, Kapalaswamy Ayyangar had observed: "It is the hope of everybody here that in due course even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in the case of other states..." As late as on November 27, 1963, Jawaharlal Nehru said in the Lok Sabha that the "gradual erosion" of Article 370 was "on"; the then Minister of State for Home Affairs also made a statement implying that it was government policy gradually to dilute and even repeal the Article. Yet, as Puri notes, even the passions aroused by the Jammu Praja Parishad to abrogate Article 370 have long since been exhausted. The support that the Article now enjoys as an enduring basis for relations between the Centre and the state was made abundantly clear in the course of the recent elections to the Jammu and Kashmir assembly.

For another, the 1975 accord helped to put aside irritants regarding the finality of the accession of the state to India (which the Sheikh had not conceded until as late as only three years before the accord) and other related issues. Yet serious problems remain on account of the ambiguity of the constitutional relationship even when it is taken to be governed by Article 370 and the political agreements arrived at upto now. This should be evident, for example, from the case of the recent Resettlement Bill, the dispute over which reflects conflicting conceptions of citizenship. Though most of the causes for constitutional conflict had ostensibly been cleared by the 1975 accord, it is obvious that there is, at the political level, a fundamental disparity in the understanding of the Constitutional and legal position. While Puri himself does not so explicitly claim, these complications are rooted in the early differences in perspective on the extent of accession and the division of powers between the state and the Union. The Sheikh and his supporters had sought in the earlier phase doggedly to argue that the terms of accession of the state conceived of Union authority only in respect of three subjects and no further. The

Union government, took the position that the very 'factum' of accession implied that provisions of the Indian Constitution extended to the state in regard to certain matters, such as citizenship, President's powers, election to Parliament and so on. Under the argument then put forward by the Sheikh's supporters even Article 370 was merely a "creation of" the Constituent Assembly of India, and so far as Jammu and Kashmir was concerned the state had its own interpretation of where it had acceded to India and where it had not. The primary basis for Jammu and Kashmir law continued, under this view, to be the laws of the State as finally framed by the State Constituent Assembly. At the back of all this was the idea of "residual sovereignty" and the accompanying conception that this resided with the state not by virtue of the Indian Constitution but for reasons outside it and flowing from the fundamental law of Jammu and Kashmir. Though Puri seems to miss the fact, this conception continues to have more than a subterranean existence. And so long as this situation persists ground for serious legal and constitutional conflict between the Centre and the state can be expected to remain. Even the 1975 accord states emphatically that the "residuary powers of legislation shall remain with the state". Admittedly, the expression "residual sovereignty" is avoided in the accord and it is specified that Parliament will have the power to make laws relating to the prevention of activities directed towards disrupting the sovereignty of India. Although Puri sees the 1975 Accord as having been largely on Indira Gandhi's terms, the fact that the Sheikh could have his way so far as residuary powers of legislation are concerned should make clear that it was not wholly a one-sided affair. Where the residuary powers should best reside is a matter that must of course be decided in political terms.

The political aspects of what Puri calls the growth of federalisation have been dealt with well and the importance of the 1977 elections — the "fairest and freest" so far — is in particular recognised. But the discussion proceeds, so far as personalities are concerned, on one unstated assumption. This is that the personalities at the helm of Kashmir politics in the years when the Sheikh was out of power are of little more than transitory significance. One wishes that the decade-long leadership of Bakshi Ghulam

Mohammad had been evaluated in greater detail.

Puri notes that during the 1965 war (when neither the Sheikh nor Bakshi was in power) the Kashmiri people, by and large, did not extend support to the Pakistani infiltrators. This strengthened the Indian case on Kashmir particularly since the armed incursions had occurred in the context of the strong agitation organised by the proplebiscite parties. Puri infers that the Kashmiri people were reluctant to convert their anti-Indian sentiments to pro-Pakistan feelings. But would even this reluctance have been so widespread as it apparently was if the existing state apparatus had no legitimacy at all? After all, even Bakshi and some of his successors provided a bulwark of sorts against possible intrusions on Kashmir's autonomy; the alternative seemingly provided by Pakistan was quite uncertain.

KASHMIRI SPECIFICITIES

But the 'gaps' in the book are perhaps less important than its strength in drawing attention to certain intricacies that are seldom adequately appreciated in analyses of Kashmir politics. It is in this sense a valuable antidote to those nurturing a simplistic understanding of the state's politics along communal lines. This distorted understanding has often whipped up a kind of fear psychosis about Kashmir in the rest of the country and this has, at one remove, led to further dissonance in the emotional fabric of the state.

To start with, a few historical considerations. A significant preliminary point with a broader relevance to the traditional categorisation of Indian history is that the really meaningful dividing line in the history of Kashmir has not been between the so-called Hindu and Muslim periods but between the Kashmiri and non-Kashmiri periods. This may seem a simple reminder but it has far-reaching implications which have yet to be fully understood by many political groups in the country. Nor is this merely an academic point. As recently as in the early years of independence, Puri reminds us, the anti-Maharaja campaign enjoyed support among a large cross-section of the people. The demands made by the Dogra leaders in this campaign far exceeded those of the Kashmiri leaders of the National Conference. When we consider influences external to the state, it must be recalled that Mahatma Gandhi was one of those who persis-

tently encouraged Sheikh Abdullah to maintain pressure for the curtailment of the Maharaja's powers. Nor can the genesis of the rivalry between sections of the Kashmir and Jammu Muslims in the pre-independence phase and even later be explained without reference to differing conceptions regarding the maintenance of a composite culture in the state. Puri's reminder that there has been a repeated reluctance on the part of the people of Kashmir to translate any anti-Indian sentiments into pro-Pakistan feelings, as evidenced by the popular attitude towards infiltrators in the 1965 war; fits in with the prevalence of a Kashmir-centric outlook. So also does his recognition that prospects for Islamic fundamentalism conveyed by winds from across the border and elsewhere are limited by regional considerations that simply cannot be ignored. This is revealed for example, by the manner in which Sheikh Abdullah often aroused the Kashmiri people against, say, the Jamaat-e-Islamic on local issues, such as the lack of sufficient respect on the part of the Jamaat towards certain Kashmiri mystics and shrines. While the author concedes that there is no way of completely immunising the state from events across the border, he

pertinently stresses that this need not be a one-way traffic.

Puri steers clear of making attempts to extrapolate into the future, correctly emphasising the importance of trends concerned with a number of factors including class, ideology, party, ethnic groups and so on. He is content to draw attention to some of the fresh complexities that may be developing. Nothing that as "a society grows it gets increasingly differentiated" and that consequently people "tend to group themselves around more and more identities", he points to the rising profile of the Gujar community in the state. Similarly, there has been a growing movement of the Pahari-speaking people in Rajouri, Poonch and parts of Baramula districts. Much linguistic differentiation is also in the process of taking place. All these developments need to be carefully watched. For it remains to be seen how far and how soon the perceptions, both at the national and state levels, which would have the Hindu-Muslim divide in the state provide an over-weening explanation for almost all political development there, give way to other perceptions. On this, could depend to a major extent the success of the process of 'federalisation'.

families, and also to slave girls; they disregarded the precepts about the eating of food at the wrong time, used perfumes, etc. Yet the Buddha never took any strong disciplinary action against them. Sarkar discusses, in his essay, the possible reasons why the Buddha treated them leniently. He examines the suggestion that the Chabbaggiyas were not real persons, but allegorical figures, standing for the six enemies, lust, greed, anger, etc. However, he rules out this suggestion. In the Sanskrit poems, the opponent of the hero is often glorified for the revelation of the hero. Sarkar suggests that perhaps the Chabbaggiyas were in the same manner given importance to establish the superiority of the Buddha.

Trevor Ling in his essay, 'Chinese Politics and Tibetan Religion' discusses the state of Buddhism in Tibet over the last few years. The essay is based mainly on the newspaper reports upto the end of 1980. Things have perhaps changed slightly for the better since then. The essay, therefore, has become dated. Trevor Ling has drawn attention to one result of the new diaspora caused by the Chinese invasion. The Tibetans have spread out to many countries of Europe and America. This has brought a renewed interest among the scholars in these countries in the study of Tibetan Buddhism, "both for its spiritual teachings, and for the fact that it is in Tibetan texts that some of the Mahayana Buddhist philosophy of India, such as that of Nagarjuna, is to be found in the context of a living tradition". There is also a new interest all over the world in the study of Tibetan language, and there is a "flowering of newly published Tibetan dictionaries, grammars, and language handbooks in India and the West".

Study of Tibetan texts among Indian scholars was started by Sarat Chandra Das in the last quarter of the nineteenth century. Rahula Sankrityayana revived an interest in the study of Tibetology in the present century. It is good to know, from the note in one of the essays, that his work is being continued by the Kashi Prasad Jayaswal Institute, Patna. There is no indication in this silver jubilee commemoration volume whether the Sikkim Research Institute has also published any scholarly work on Tibetan Buddhism. It appears, however, that the Institute has been able to make a valuable collection of manuscripts of Tibetan books. The authorities of the Institute are anxious that scholars should make use of them.

Wide Spectrum on Tibetology

Ashim Kumar Roy

Aspects of Buddhism, Vision Books, New Delhi, 1983; pp 201; Rs 75.

THIS is a collection of essays, published for the commemoration of the silver jubilee of the Sikkim Research Institute of Tibetology and Other Buddhist Studies, Gangtok. The Institute came into being in 1956. It was legally incorporated on October 28, 1958; so it will complete 25 years of its legal existence in October this year. The Director of the Institute requested some scholars from India and abroad to contribute to this commemorative volume. Twenty essays contributed by them have been included in this book. A few of the authors have taken pains, and their contributions add to our knowledge. Others have only given rehashes.

H E Richardson has written about the legend of the Chinese princess who was sent to marry a Tibetan prince. According to the Tibetan version, a king of Tibet in the seventh century had a handsome and talented son. He wrote to the king of China to send a princess as a bride for this son. The

request was granted. While this princess, Kim Sheng by name, was on her way to Tibet, the prince died. After much heart searching, Kim Sheng agreed to marry the father whose name, Mes Ag-tshoms, means "the ancestor with a beard". By Chinese sources, the Tibetan legend is an inversion of the facts. The princess, an adopted daughter of the Chinese emperor, was sent actually for the father or grandfather of Mes Ag-tshoms who was then a child. By the time the princess arrived in Tibet, the father or grandfather was dead. So the princess who was then about eighteen was married to this child of six.

S C Sarkar discusses the case of the Chabbaggiya Bhikkus. They are mentioned often in the Pali texts, but are rarely mentioned in the Sanskrit Buddhist works. They were a group of six monks, and were known for their rebellious behaviour. They broke the rules of the Sangha with impunity. They sent flowers to women of respectable