

J&K THE AUTONOMY ISSUE - AS VIEWED IN THE SEVENTEES

By Late Lt Col Bhagwan Singh

Lt Col Bhagwan Singh, (who passed away recently), besides having been an excellent soldier, who made a great name for himself and the State during the Second World War, was a very articulate writer. He held strong political views, to which he gave forceful expression through articles and letters to the editors that appeared in various national and local newspapers/periodicals. This article, was written in 1972 when the issue had just then begun to be raked up by Sheikh Mohammad Abdullah as a prelude to the oncoming dialogue that was to result in the Indira – Abdullah Accord of 1975. It was written as a comment on an article on the same topic written by the eminent journalist, BG Verghese, in support of the Sheikh's cause. The write-up, which appeared in full as a single letter to the editor in a national daily in 1972, makes interesting reading – marks as it does, perhaps, the first voice of opposition to the autonomy theory at a time when most people, including those in the Government, were going head over heels to appease the Sheikh. The article is being reproduced in the befitting memory of the late Colonel, who was a fairly regular contributor to the **Daily Excelsior** right up to his death at 95.

In his very informative article “Quantum of Autonomy is a measure of trust” Mr BG Verghese has analysed the constitutional relationship between the Union of India and the constituent State of Jammu and Kashmir and concluded that “there need be no reason for India to fear internal constitutional experimentation within the frame work of accession if this gives wider satisfaction to the people of Kashmir.”

Some big questions that arise here are how often is this internal experimentation to be made? Did not Sheikh Abdullah start as Prime Minister with maximum autonomy within the framework of accession and enjoy this position for over five years? Did that give “wider satisfaction to the people of Kashmir”? If it is desired to revert to the same old position, should it be taken that his unceremonious removal from the leadership of the State Government was an exercise in futility? If his fastest friend and dependable colleague, Pandit Nehru, who pulled him out of the Maharaja's prison, found himself compelled to perform the painful task of arresting him at a time when he was at the height of his power, and there was a likelihood of some adverse reaction in the Security Council, Pakistan and some Western countries why should it be necessary to revive him from oblivion, at a time when the Security Council has been rendered helpless, Pakistan cut to size, her supporters humbled and the people of Kashmir have learnt to live with realities? What is the guarantee that the Sheikh's attitude would be better this time after he secures a position immune from removal, which he is aiming at? Even if there is any such guarantee, from what position the Sheikh is trying to negotiate with the Central Government over the head of the democratically elected Government of the State? Were all general elections, including those conducted by the Central Election Commission really rigged?

The Sheikh has never proved his worth in any elections. He was imposed on the people of the entire State as their Prime Minister by nomination and the only elections he ever won were those arranged during his own Prime Ministership without any jurisdiction of the Central Election Commission, when he made it impossible for any party other than his own, to contest, and safely managed to win all the 75 seats in the State Assembly, uncontested. Elections conducted by other regimes after him, which returned at least some members of the Opposition, were naturally fairer. On what basis does Sheikh Abdullah justify his claim that everything done by every regime after his removal must be scrapped? If he thinks that he alone is competent to speak for the people of the Valley or the entire State, why does he not establish this in any elections, instead of trying to regain his lost position through the back door? Perhaps he knows that the surest way to win the elections is to first have himself recognised by the Central Government as the leader who matters.

Mr Verghese has advocated consideration of greater autonomy for Jammu and Kashmir because the status of the State is already different from other States by virtue of Article 370 of the Indian Constitution. But this Article itself was necessitated only by the State's accession to India being in dispute with Pakistan at the UNO, and was meant to be of a transitory nature as would be clear from what Mr Gopaldaswamy Ayyangar stated in the Constituent Assembly while defending the Article against strong opposition. He expressed the hope "that in due course Jammu and Kashmir will become ripe for the same sort of integration as has taken place in the case of other States." Pandit Nehru himself assured the people of the State at a public meeting in Srinagar during one of his visits, that Article 370 of the Indian Constitution will erode with the passage of time. His actual words were *ghiste ghiste ghis jaega*. Sheikh Abdullah has never spelt out the grounds on which Jammu and Kashmir deserves to have a status different from other States, but his grounds, if any, could be nothing but communal, which cannot be worthy of consideration by a secular country, firmly believing in one nation theory.

Sheikh Abdullah's whole approach to all problems of the State had always been communal but when some people in India pointed it out to him he raised a bogey of communalism in India. In a speech at Ranbirsinghpura, near Jammu, on 10th April 1952, he said, "No one can deny that communal spirit still exists in India. Many Kashmiris are apprehensive as to what would happen to them and their position if something happens to Pandit Nehru." That "something" has since happened to Pandit Nehru but nothing has happened to the people of Kashmir, as the Sheikh had feared. They still continue to enjoy the same favoured peoples' treatment.

The terms communalism and secularism have been liberally used, or misused, by many since independence according to their own interpretations, and very often those who oppose communalism have been called communal. The Sheikh, who has no other reason for demanding special status or greater autonomy for the State except imaginary fears of domination of "Hindu India" over "Muslim Kashmir", considers all those who disagree

with him as communal. If the secular, democratic, Constitution of India is good enough for fifty million Muslims of India, why is it not good enough for three million Kashmiri Muslims, who have their own State Government, in addition, to watch their interests. If equality of treatment and opportunities, with all others in the country, is needed for the Muslims of Kashmir, this is sufficiently guaranteed in the Indian Constitution and the Supreme Court is there to uphold the Constitution, but this falls too short of Sheikh Abdullah's requirements. He is neither in favour of full application of the Indian Constitution nor the extension of the complete jurisdiction of the Supreme Court to the State. The Constitution is too secular and the Supreme Court too fair to suit the communal and dictatorial tendencies of Sheikh Abdullah's autonomous Government.

Mr Verghese has himself quoted in his article certain provisions of the Indian Constitution which were extended to the State from time to time with the consent of the democratically elected State Governments of the day, thus bringing the State gradually closer to India by consent. This was strictly in accordance with the letter and spirit of Article 370 of the Indian Constitution, said to be included at the behest of the Kashmir representatives. Where then is the justification of reversing the whole thing just to satisfy the personal ambitions of one or a few dissidents at a time more ripe, for complete integration of the State with the rest of the country, than the framers of the Constitution had hoped for.

The Simla Agreement which ended all uncertainty about the State (less the part occupied by Pakistan) remaining an integral part of India, had dashed all hopes of the autonomists to the ground, but instead of raising their hands, they are raising their heads and are cleverly trying to come back into the picture. They are reading in the Agreement a clause binding the parties to settle terms with them. Even if it is so, it is the Pakistan occupied part of the State that awaits a settlement. The necessary internal settlement, leading to the present relations with the rest of the State, has already been made by India with the people's consent, expressed through various general elections, and there is no reason why further advancement toward complete integration should not be made like wise. Any attempt to undo what has been constitutionally and democratically done, and to discuss the quantum of autonomy with dissidents, or even the duly elected leadership of the State, will form a dangerous precedence for other States, some of which have already started asking for greater autonomy. This is sure to lead to the disintegration of not only the State itself but also of the entire country, and will also make this country an arena for international intrigues. Even otherwise autonomous State of Jammu and Kashmir will be more a liability to India than an asset and is sure to slip out of India.