**Written in blood**

BY A . G . N O O R A N I 2020-11-07

UNIQUELY, Kashmir`s flag was born in bloodshed and is rooted in the region`s blood-soaked history.

The scholar and politician Pandit Prem Nath Bazaz wrote: `Historically and politically, July 13, 1931, is the most important day in the annals of Kashmir.` From this day, the struggle for independence and freedom, in the most modern sense, started. There was a meeting, unruly behaviour by some, and a trial at which the mobs took over.

Arrests and police firing followed, and several were killed. It saw the rise of Sheikh Muhammad Abdullah. A large part of the crowd carried the dead bodies in charpoys and carried a banner of blood. Kashmir`s movement for freedom had begun. The blood soalced red flag was its inspiration.

Itis hardly surprisingthat the holiday on July 13 has been scrapped and the date on which the cowardly Maharaja apparently signed the Instrument of Accession has become a holiday.

Kashmir`s constitution defines the flag (Section 144) as being rectangular in shape and red in colour with three equidistant and white vertical stripes of equal width next to the staff and a white plough in the middle to represent its three regions. The motion for its adoption was moved by Sheikh Abdullah in the constituent assembly on June 7, 1952.

Sheikh sahib held long talks with prime minister Jawaharlal Nehru. He wanted an assurance from the Sheikh that the Kashmir flag would not flutter as a rival of the national flag of India. Sheikh Abdullah agreed, but pointed out that `for historical and sentimental reasons, connected with the freedom struggle in Kashmir, they wanted the symbol to continue` The Delhi agreement of July 1952 embodied this accord, as had Article 370 of India`s constitution. It was negotiated over five long months in New Delhi from May to October 1949.

Syama Prasad Mukherjee was then a member of Nehru`s cabinet and of New Delhi`s constitutional assembly. His devotion to V.D. Savarkar and to the Rashtriya Swayamsevak Sangh did not stand in the way of his enjoyment of these offices. He resigned from both offices in 1950, and a year later set up the Bharatiya Jan Sangh.

He badly needed a platform and an issue with which to exploit popular feelings.

Kashmir came in handy. Hence the slogan `Ek desh mein do Vidhan, do Nishan nahi chalenge` (`One country can`t have two constitutions, two flags`).

July 13 has been scrapped as a holiday. So has Kashmir`s constitution. Such actions cannot last.

Before the rulers in New Delhi is European history. Article 3 of the law con-cerning the special status of South Tyrol, a part of Italy, under a treaty with Austria, says, `The regulations on the use of the national flag remain in force, the region, the province of Trento and that of Bozen/ Bolzano, have their own official banners and seals, approved by decree of the president of the republic.

The Aland Islands enjoy a special status under a treaty between Finland and Sweden. Finland bound itself to respect the Aland Islands` autonomy. It did not mean to renege on the pledge. On the contrary, each step increased the autonomy. The Act on the Autonomy of Aland enacted by Finland on Aug 16, 1991, explicitly confers on the legislative assembly the islands` right and power to legislate on the Alandic flag. The 1991 law gives the Aland Islands the right to have its own flag and coat of arms on land and on its ships, postal services, broadcast and television.

Catalonia, (which has backed independence), has its own flag, different from thatof Spain`s. Every one of the 50 states of the United States has its own constitution as well as the federal constitution.

So has Scotland, which demands a right to secede from the United Kingdom, without being subjected to the tor-tures that the Kashmiris have had to undergo.

The Scotland Act, 1998, is an answer to those who denounce two constitutions. The Scots are not denounced for asking for a referendum on independence from a no longer Great Britain. It had joined England by a Treaty of Union in 1707, not 1947. By now, Scotland has had enough and seeks secession from the United Kingdom. Not one prime minister in the last decade has accused its leaders of treason. The issue is to be resolved by dialogue and referenda.

In Kashmir`s case, the promise was made in 1947 and repeated for years thereafter that the people alone have the right to decide its future, and that the decision would be made by them through a free and fair plebiscite. The promise was deliberately broken and is recalle d by the aggrieved people of Kashmir. This will not work. You cannot put a people down by repression and falsehood. The Gupkar Alliance must do its homework and prepare its own reasoned alternative. The writer is an author and a lawyer based in Mumbai.