

## **The Kashmir Dispute and Pakistan's policy**

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To comprehend properly Pakistan's India policy, one needs to understand all shades of the ongoing Kashmir dispute-more specifically how the dispute originated. Even after the passage of 55 years, the dispute still occupies a paramount position in Indo-Pak relations. What is perhaps intriguing about the Kashmir situation is that while Indian governments have consistently attempted not to recognize the problem, the Kashmiris have been gradually rallying around the notion that they will have to do something to keep the issue alive.

The Indians have been pushing the argument that no dispute exists and that the Kashmiris, through several elections, have not only cemented Kashmir's accession to India but have already accepted Kashmir as an integral part of the Indian Union. On the other hand, the Pakistanis continuously held that Kashmir's accession was secured by fraud and thus would remain unacceptable until a UN supervised plebiscite is held as promised by India in the U.N. resolutions of August 13, 1948 and January 5, 1949.

While it has been repeatedly pointed out that India had justified her annexation of both Junagadh and Hyderabad on the grounds that their inhabitants desired to join the Indian Union even though the ruler of Junagadh formally signed the instrument of accession in favor of Pakistan, the Pakistanis demand that India should permit the people of Kashmir to decide their future through an internationally supervised plebiscite as promised openly by both Mountbatten and Nehru.

Thus India is officially committed through the Indian government's repeated pledges to Pakistan as well as to the United Nations to held such a plebiscite, Pakistan argues.

To comprehend Pakistan's Kashmir policy and the continuing confrontation between India and Pakistan punctuated by three military conflicts along with innumerable border clashes including larger clashes like the Siachin and Kargil and few short spells of correct state of neighborliness, one needs to

analyses what exactly happened in 1947 and how the dispute evolved. This short paper only discusses the origins of the Kashmir dispute.

According to the Indian Independence Act the accession of states to one or other of the new Dominion was left to the discretion of the rulers. The basic principle of accession was that it was vested in the personal decision of the ruler. But it was also recognized that the decision of the ruler should be qualified by the geographical contiguity of the states to the successor Dominion and its communal composition.

With regard to Junagadh, Hyderabad and Jodhpur, India insisted upon their accession to herself because of the Hindu majority population in those states. This was despite the fact that the rulers of Junagadh and Jodhpur opted for accession to Pakistan and Hyderabad opted for an independent status. By the same criterion, Kashmir should have automatically joined Pakistan. But in the case of Kashmir, India applied political pressures on the local ruler to accede to India. Once the ruler had signed the instrument of accession, India relegated the 'majority principle' to secondary place and pushed a legalistic approach to the forefront.

Political pressures on the maharajah were initiated in May 1947 with the visit of Acharya Kriplani who tried to induce him to sign. But the mission was a failure (1). The rulers of Patiala, Kapurthala and Faridkot followed Kriplani. They had decided for their own states to accede to India. They also tried to convince the maharajah to do the same (2). During the month of June, Mountbatten also made a trip to Kashmir and advised the maharajah to quickly decide to join either one of the Dominions after ascertaining the will of his people (3). The next important leader who visited Kashmir in an attempt to influence the thinking of the local ruler was Gandhi (4). Quaid-i-Azam Mohammad Ali Jinnah also wanted to visit Kashmir but Mountbatten managed to dissuade him from undertaking such a trip (5).

In August 1947 Gandhi went to Kashmir and held a series of meetings with the maharajah, his Prime Minister, and workers of National Conference. The purpose of Gandhi's visit was to influence the maharajah not only to join India but also to remove the then Prime Minister of Kashmir, Pandit Ram Chandra Kak, a Hindu who wanted the state to opt for an independent status (6). Within a week of Gandhi's departure from Kashmir, Pandit Kak was replaced by Janak Singh but a month later, Sheikh Abdullah was released from jail. The leaders of the Muslim Conference previously jailed along with Abdullah on similar charges, continued to languish in prison.

The initial troubles sparked off in Poonch area, where the maharajah, a Hindu, accelerated a systematic persecution of the Muslim population. The tempo of the anti-Muslim campaign increased gradually with the infiltration of members of the RSS, Akali Sikhs, and the INA (7). However, this infamous campaign ran into trouble in Poonch and Mirpur areas, the home of thousands of demobilized soldiers of the British Indian Army who had fought for the British during the Second World War (8). These demobilized soldiers organized a resistance. With a small military organization they rose against the maharajah and soon declared the establishment of the Azad Jammu and Kashmir government. The Muslim soldiers of the ruler army left the maharajah's service to join the Azad Kashmir government's forces (9).

Towards the end of August and the beginning of September 1947, many representatives of Azad forces went to the North West Frontier Province (NWFP) to purchase arms from the tribal factories in the mountainous area (10). Stories of Dogra brutalities moved many tribal leaders. Aroused by what they considered to be the persecution of their brethren by the maharajah, the warlike Muslim tribes of the NWFP proclaimed a Holy war and some 2,000 tribesmen, mostly Mahsuds and Afridis set off on October 19, 1947 towards Kashmir (11).

On October 26, the maharajah despite the Standstill Agreement with Pakistan decided to accede to India and sent the accession letter to the Indian Governor General (12). Two days before the accession the ruler had appealed to India for help. The Indian government, in accordance with the advice of Mountbatten decided to send help only if the maharajah first acceded to India (13). In any case, it was generally believed in many circles that the maharajah, under the influence of Congress leaders, had already decided to accede to India when he had called for help (14).

The interesting aspect of the accession letter is that the maharajah did not accuse Pakistan of giving assistance or organizing the invasion whereas the Indian officials did not hesitate to immediately levy such charges against Pakistan (15). In view of the situation on the ground, while accepting the accession, Mountbatten specifically mentioned that as soon as the law and order was restored, the question of state's accession would be settled by a reference to the people (16). Nehru also pledged to ascertain the wishes of the people under international auspices like the United Nations (17). However, Pakistan did not recognize Kashmir's accession to India as it was regarded manifestly contrary to the wishes of the people and was based on fraud and violence (18).

The Pak's central argument was that the maharajah, having already entered into a Standstill Agreement with Pakistan, was debarred from entering into relations with any other power unilaterally (19). Furthermore, Pakistan pointed out that the maharajah had no authority left to execute the instrument of accession because his subjects had already overthrown his government and forced him to flee from his capital (20).

It is worth noting that, according to Nehru, India first heard the news of the tribal invasion on 24 October, the very day the maharajah appealed for Indian help (21). Then on the advice of Mountbatten, India did not agree to send help until the maharajah signed the accession instrument, which he did on October 26, 1947. And on the morning of October 27, the Indian troops began to land at the Srinagar airport.

Sir Frank Messervy, the first Commander-in-Chief of the Pakistan Army, suggested that the speed with which the Indian troops arrived in Srinagar proved that the accession had been deliberately planned for some weeks before the event (22). Even Liaquat, the first Prime Minister of Pakistan, was surprised at the speed with which the Indian troops moved and thought it was significant that the Indian troops were able to land at Srinagar by 9.00 am while at the same time the Governor-General of India was signing the instrument of accession (on October 27) (23).

Another aspect of this intriguing set of events that needs to be mentioned here was the forced landing at Lahore Airport of the maharajah's cousin Thakore Hariman Singh's plane. As soon as it landed, the plane was attacked by a mob and Thakore's suitcases were seized. In one of the suitcases a draft treaty between India and Kashmir was discovered (24). Thus, some conclude now that the Standstill Agreement with Pakistan signed by the ruler had only been a ploy to buy time and eventually a way to pick up a quarrel with Pakistan. Indeed the ruler was accusing Pakistan of bad faith and of preventing the supplies of essential commodities to reach his state.

When Pakistan offered to discuss the matter, the maharajah's government demanded an "impartial inquiry" with a stipulation that if it were not accepted then the maharajah would ask for 'friendly assistance' (25). Despite Pakistan's agreement to hold an impartial inquiry, the maharajah just rushed ahead with his plan to appeal to India for help. In turn, India subjected her help to the signing of the accession document.

The immediate reaction of Quaid-i-Azam Mohammad Ali Jinnah to the Indian invasion was to order General Gracy to send Pakistani troops into Kashmir. Gracy, instead of carrying out the orders, got in touch with field Marshall Auchinleck for instruction. Auchinleck flew to Lahore to convince Jinnah to withdraw his order. Jinnah not only agreed to do so but also accepted Auchinleck's proposal for an immediate conference.

However, neither Nehru nor Patel came to participate to the conference (26). Only Mountbatten reached Lahore on 1<sup>st</sup> Nov 1947, Mountbatten apologized for Nehru's absence on the ground of ill health. Unfortunately another high ranking British officer told Jinnah that he had seen Nehru as fit as ever a day before (27). It was adding insult to injury.

On January 1, 1948 under Article 35 of the UN Charter, India took the case to the Security Council of the United Nations, accusing Pakistan of assisting the tribesmen and other invaders to violate her sovereignty (28). Pakistan lodged a counter complaint accusing India of the organized "genocide of Muslims in East Punjab, Delhi and other places in India, the forcible occupation of Junagadh, and the action taken by India to secure the accession of Kashmir by fraud and violence" (29). While the Indians were attempting to narrow down the problems to the Kashmiri issue only, Pakistan was trying to expand the issue to all the disputes affecting the relations between the two new governments (30).

Pakistan had previously proposed to India that outstanding mutual problems be settled by inviting the good offices of the British Commonwealth of Nations, but the suggestion had been turned down on the ground that such good offices would mean "outside interference" (31). So why then was India taking the case to the UN, when it had bluntly refused outside intervention on previous occasions?

Pakistan had also suggested that UN observers be invited to investigate some of the matters on the spot. India had declined the offer (32). Pakistan's proposal to hold the plebiscite under the supervision of the UN and to secure a withdrawal of troops was also turned down by India (33). Every time Pakistan suggested to India to bring the UN to help them out, India reacted negatively. Yet, it was India that decided at some point to move the case, albeit on her grounds, to the UN Council.

Why this late change of heart? The simple answer seems to be that initially India thought she could quickly enforce a military solution, throw the

tribesmen out of Kashmir territory and annihilate the Azad Kashmir forces. But the resistance of the Azad Kashmir forces turned out to be stronger than expected and the army failed to dislodge them. This failure prompted then India to take the case to UN (34) as the aggrieved party.

While the initial strategy had been to impose a quick military solution, later the strategy became the reverse. Speed was no longer of the essence. To the contrary efforts were made to delay any resolution of the dispute. Buying time was a strategy in itself with the objective that over time the resistance would wane. Actually it only made matters worse, causing multiple complications into what was originally a single and simple issue.

Having heard both parties at length, the UN Security Council passed two resolutions; one on January 17, 1948 asking the parties involved “not to aggravate the situation but to do everything to improve it”; the second one on January 20, 1948 to establish a commission to mediate between the parties. Eventually the commission became known as the United Nations Commission on India and Pakistan (UNCIP) (35).

During the following month a draft resolution based on a consensus of opinions of the majority members of the Security Council was worked out jointly by Canada and Belgium, calling for an immediate cessation of all violence and fighting, the withdrawal of all forces and armed individuals who had entered the state, the return of all citizens who had left the state, the establishment of an administration commanding the confidence and respect of people, and the holding of a plebiscite under UN supervision at the earliest possible date (36).

Pakistan gladly accepted the resolution; the plebiscite has been its main demand. However the Indian delegation sought an adjournment of the debate. During the course of the debate on this resolution, Noel Baker, the British representative at the UN, impressed upon the Indian representatives Sir Gopalaswami Iyengar and Sir Girjashankar Bajpai “*to persuade Nehru to agree to go along*”. He was given some hope that Nehru might be brought around.

Then Noel Baker received a telegram from Prime Minister Atlee to desist (37). Meanwhile, as the resolution was about to be voted, the Indian delegation sought yet another adjournment. Although annoyed and angered over this untimely request, the members of Security Council had no choice but to adjourn (38).

Most political analysts and writers are of the view that the time between the adjournment and the next resumptions of the debate on Kashmir allowed India to bring diplomatic pressures on the British government to side with her on the issue. Nehru had been extremely distressed by the way things had been moving at the Security Council (39). He enlisted the active support of Mountbatten who, in turn, managed to influence the British government. When the council resumed to debate in March 1948, the draft resolution of 1948 was scrapped and a fresh one was tabled by the new President of the Security Council (41). The wording was quite different from the previous one.

Finally, after 6 months of lengthy consultations with both India and Pakistan, the UNCIP prepared a first resolution on 13<sup>th</sup> Aug. 1948 and later on a second one on 5 Jan. 1949. Accepted by both India and Pakistan they were endorsed by the Security Council (41). Taken together these resolutions provided for a ceasefire and a demarcation line, the demilitarization of the state, and a free and impartial plebiscite to be conducted by the UN (42).

The ceasefire was quickly attained but the issue of demilitarization proved to be somewhat insoluble. Even today it defies all direct and indirect efforts. Since the second stage was not completed, it was constantly argued that the third stage could not be implemented. Therefore the plebiscite never took place and the views of the Kashmiri people have never been sought on the issue.

Since the attainment of the UN arranged ceasefire line, not much progress has been made on the ground though the UN sent its representatives and also encouraged periodically bilateral negotiations between India and Pakistan.

The two countries have now experienced countless border clashes and fought three major wars out of which two were directly linked to the Kashmir dispute. Neither wars nor bilateral negotiations have been able so far to go to the bottom of the dispute. In 1989, the Kashmiris intensified their struggle for freedom from India and made massive sacrifices. Therefore it would be naïve for both Pakistan and India to believe that any future effort aimed to secure a much-desired resolution could be achieved without the involvement of the Kashmiris themselves.

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**Pervaiz Iqbal Cheema's endnotes.**

- 1 See Sisir Gupta, Kashmir (London: Asia Publishing House, 1966), p.95.
- 2 See S.M. Burke "Pakistan's Foreign Policy: A Historical Analysis" (Karachi: Oxford University Press, 1973), p.22.
- 3 Alan Campbell-Johnson! Mission with Mountbatten (London: Robert Hall, 1951), p.224.
- 4 See The Transfer of Power 1942-471, (Documents in 13 Volumes) [(London: Her Majesty's Stationery office 1970-82), Document No. 369 June 27, 1947, Vol. II Viceroy's personal report No. 10, pp. 687-88.
- 5 See Chaudhri Mohammed Ali "The Emergence of Pakistan" (New York: Columbia University Press, 1967), p. 287.
- 6 Prem Nath Bazaz "The History of Struggle for Freedom in Kashmir" (New Delhi: Kashmir Publishing Company, 1954), p. 138.
- 7 RSSS (Rashtriya Swayam Sevak Sangh), INA (Indian National Army). See Lord Birdwood "A Continent decides" (London: Robert Hall, 1953), p.219.
- 8 Bazaz, Op.Cit., p.325.
- 9 See William C. Johnston's Chapter on Jammu and Kashmir 1947-49 in "Challenge and Response in Internal Conflict" edited by D.M. Conduit, Best H. Cooper Jr. and other (Washington DC: Center For Research in Social System, the American University, 1968), pp. 313-14.
- 8 Ibid , p.314.
- 9 This figure is on the maximum side, ibid.
- 10 Burke, Op.Cit., p.25.
- 11 The Time, 25 Oct. 1947.
- 12 The Time, 28 Oct. 1947.
- 13 Ibid.
- 14 The Times , 3 Nov. 1947. The Pakistan Times, 4 Nov. 1947.
- 15 Ali, Op. Cit., pp.27-28.
- 16 Ibid.
- 17 Burke, Op.Cit., pp. 27-28.
- 18 See Jawaharlal Nehru "Independence and After: A Collection of Speeches 1946-49" (New York: The John Day Company, 1950), pp. 60-63.
- 19 See G.W. Choudhury "Pakistan's Relation's with India 1947-66" (London: Pall Mall Press, 1968) p. 103.
- 20 The Statesman 15 Jan. 1948.
- 21 The Daily Telegraph , 7 Oct. 1947. The Daily Mail, 7 Oct. 1947.
- 22 Choudhury, Op. Cit., p. 100.
- 23 Ali, Op. Cit., p. 297.
- 24 Ibid.
- 25 Choudhury, Op Cit., p. 106
- 26 Ali, Op. Cit., p. 300.
- 27 The Time 13 Jan. 1948.
- 28 Ibid.
- 29 Ibid.
- 30 Ibid. 19 Jan. 1948.
- 31 Ibid.
- 32 Burke, Op. Cit., p. 29.



- 33 See Muhammad Zafrullah Khan "Servant of God" (Surrey: Unwin Brothers, 1983),  
p. 152. Choudhury, Op. Cit., p. 109.
- 34 Zafrullah Khan, *ibid* , p. 153.
- 35 *Ibid*.
- 36 Manchester Guardian, 6 March, 1948.
- 37 Burke, Op. Cit ., pp. 30-31 Choudhury, Op. Cit ., p. 110.
- 38 Choudhury, Op. Cit., pp. 112-13.
- 39 *Ibid*.
- 40 Burke, Op. Cit ., pp. 30-31 Choudhury, Op. Cit ., p. 110.
- 41 Choudhury, Op. Cit, pp112-113.
- 42 *Ibid*.

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