



INDO-PAK RELATIONS AND KASHMIR

Dr. M. Krishna Kumar

Assistant Professor, Department of Political Science, Osmania University, Hyderabad, Telangana State.



ABSTRACT

The withdrawal of Great Britain from India in 1947 resulted in a process of breaking-up of political power into various territorial units. At that time there were about 600 princely states and provinces which were in effect became independent. These states were integrated into the Indian union by the tireless and skillful efforts of Sardar Vallabhbhai Patel, the first home minister of independent India. Thus India became a politically strong and unified state. This has given rise to an asymmetric and hierarchical power structure in South Asia in favour of India. Thus by any tangible elements of power like vast land size, population, economic resource base and military strength, India is far ahead of any of the South Asian states or to all of them put together. In other words, an India-centric order emerged in South Asia. Therefore, since the departure of the colonial ruler India's endeavour has been to develop a stable, favourable and secure regional environment in South Asia. At the very beginning when the partition of the subcontinent took place, India Pakistan relations became strained because of various reasons. One of the major reasons appeared to be accession of Kashmir to India. India and Pakistan relations revolve around Kashmir and Kashmir alone: there relations have become hostage to Kashmir issue. The accession of Kashmir to India was treated by Pakistan as a big loss to itself. Hence acquiring Kashmir by any means appeared to be a major policy of Pakistan. India Pakistan relations cannot be studied without understanding the Kashmir issue as it has become the bone of contention between these two Asian powers. It is therefore, proposed to study the accession of the state of Jammu and Kashmir and its role in India Pakistan relations.

KEYWORDS: *process of breaking-up , political power , Pakistan relations.*

THE ACCESSION OF JAMMU AND KASHMIR

The conflict over Jammu and Kashmir emerges not from its economic, strategic and military importance but from the intensely debated ideas of nation and state-building that emphasize the Indian and Pakistani nationalist movements. The Indian National Congress conceptualized a notion of secular, democratic state where people belonging to all religions and faiths could co-exist. The Muslim League in contrast, conceived a theocratic state based on Islamic ideals, which would emerge as a home state for the Muslims of the pre-partitioned India. Acquisition of Kashmir, a Muslim-majority state that abutted the two newly emerging states, therefore, acquired a far greater meaning to the existence of Pakistan than a mere territorial claim. For the Indian nationalist such as Jawaharlal Nehru the accession of Kashmir to India was essential as it substantiates that even a Muslim-majority state can prosper within a pre-dominantly Hindu state, thus upholding the concept of a secular and democratic ideal for which India stood for. Similarly, for Jinnah, the possession of Kashmir was crucial to Pakistan since religious (Islamic) affinity and ideology could serve as the basis of a state.¹

From the perspective of Pakistan, Kashmir needed to be incorporated into Pakistan in order to ensure its “completeness”. It appeared as if by the non-accession of Kashmir, their ability in establishing an Islamic state had been considerably lessened.²

Contrary to general understanding the accession of Jammu and Kashmir to India was both legal and valid. The Indian Independence Act of 1947 “had released the Indian states from the Paramountcy of the British Crown, and in law, had made them independent”.³ But in reality such an independence was ruled out. Lord Mountbatten, the last viceroy amply made it clear that the Doctrine of Paramountcy will lapse after the withdrawal of the British. He made it clear that the princely states had only two choices: to join one or the other of the two nascent states, India or Pakistan, on the basis of geographic contiguity and demographic composition. All but three princely states, Kashmir along with Hyderabad and Junagadh posed peculiar problems. Kashmir had a Muslim-majority but a Hindu monarch, Maharaja Hari Singh had entertained visions of independent existence. Thus he dithered on signing of the Instrument of Accession either with India or Pakistan.

V.P. Menon states that while Mountbatten did tell Maharaja Hari Singh that he was at liberty to join either India or Pakistan, he also told him very clearly that under no circumstances he could have an independent state.⁴ The policy of the Government of India had been to desist from persuading Kashmir to accede to India. In fact, “the states ministry under Patel’s direction, went out of its way to take no action which could be interpreted as forcing Kashmir’s hand and to give assurances that accession to Pakistan would not be taken amiss by India”.⁵ Riyaz Punjabi has noted that the Indian Home Minister Sardar Patel had written to Maharaja Hari Singh that in case the Maharaja choose to join Pakistan he was free to do so and the same “would not be deemed to be an unfriendly act”.⁶

While the rulers of the princely states were given time up to August 15, 1947 to make up their mind as to which Dominion they wanted to join, Maharaja Hari Singh procrastinated. Consequently he chooses to join neither of the two Dominions. Despite concluding a Standstill Agreement with Pakistan, the later cut off supplies of petrol, sugar, salt and kerosene oil to Kashmir.⁷ The Kashmir government protested against such an attitude on several times but without any success. The “economic blockade”, however, failed to ensure Kashmir’s accession to Pakistan. In these circumstances during the first week of October 1947, a tribal revolt broke out near Poonch, in the north-western region of Kashmir. Seizing the opportunity, Pakistan sent its regular troops in the guise of local tribesmen who quickly joined the rebels.⁸ By October 22, the invaders had captured several towns, massacred large numbers of civilians and were headed towards Srinagar, the capital of Kashmir. Two days later the Maharaja appealed to Lord Mountbatten for help. Mountbatten received this request on October 24 and convened a meeting of the Indian Defence Committee the next morning. Mountbatten conferred with Prime Minister Nehru and home minister Patel, and then decided that Indian troops could be sent only after the Maharaja signed the Instrument of Accession. However, Mountbatten made it conditional that as soon as law and order was restored, the question of state’s accession would be settled by “*ascertaining the views of the people*”.⁹ Given the existing circumstances, this endeavour was postponed till normal conditions were restored. In the meantime, Nehru agreed that he would accept the support of Sheikh Mohammed Abdullah in lieu of a popular ratification. Sheikh Abdullah was the leader of the Kashmir National Conference, the largest secular and democratic organisation in the state which supported accession with India.

The Maharaja left Kashmir for Jammu on the night of October 25 and on October 26, 1947, he signed the Instrument of Accession which was carried to Delhi by Secretary of the States Department, V. P. Menon and on October 27, Lord Mountbatten accepted the Instrument of Accession.¹⁰ Shortly the first Indian forces were airlifted into Kashmir, setting the stage for the first war between India and Pakistan. By the end of 1947 there was a stalemate in the conflict. India was in control of over two-thirds of Jammu and Kashmir, the rest remained in Pakistan’s control. With the chances of a quick resolution seeming to be remote and with the expectation that multilateral intervention might lead to a resolution of the conflict in its favour, India referred the issue to the United Nations on January 1, 1948. The Indian government demanded

withdrawal of Pakistani troops from north-western Kashmir, a return to climate of normalcy in the region, and preparations for a plebiscite to ascertain the views of the Kashmiris on the question of accession.

Pakistan, on the contrary while supporting the plebiscite, refused to withdraw its troops from north-western Kashmir. The United Nations was able to enforce a cease-fire with effect from January 1, 1949. Subsequently, the Kashmir issue became enmeshed in cold war politics. As the issue continued its course through the United Nations, India steadily integrated the state into the Indian Union despite Pakistani protests. Pakistan had integrated the territory under its control into the Pakistani state, as the Northern Areas that abut the People's Republic of China and the former Soviet Union. The Northern Areas since their creation in the early 1950's, were being directly administered by Pakistan. The remainder of Kashmir is known as Pakistan-occupied Kashmir or also known as Azad Kashmir.

PAKISTAN'S CASE FOR KASHMIR

Pakistan feels that it had been "cheated" by India on the Kashmir issue. They feel that it would have not been possible had Lord Mountbatten not been under the undue influence of Nehru. They also feel that the Radcliffe Award of Gurdaspur to India was unfair and rigged. The Punjab Boundary Commission's Award gave three *tehsils* in Gurdaspur district of Punjab to India. They contend this was irrespective of the fact that the Gurdaspur as a whole had a small Muslim majority. The separation of these three *tehsils* gave Kashmir a land link with the Indian state and made Kashmir's accession to India possible. Further the head waters of all the important river systems in Pakistan's Punjab are situated in Jammu and Kashmir. Hence, Pakistan has a strategic and economic fear that India's control over Jammu and Kashmir, can cause geological and economic disorder for it by merely managing the head waters of the rivers within the Kashmir territory to Pakistan's disadvantage and India's political and strategic advantage.¹¹

Pakistanis feel that if the princely states with Hindu majority like Hyderabad and Junagadh with Muslim rulers acceded to India, Kashmir with a Muslim majority but a Hindu ruler should have gone to Pakistan. Hyderabad and Junagadh had historically been under the rule of Muslim kings for longer period while the Dogra Princess of Jammu and Kashmir took possession of that territory a barely 104 years before the partition. Prior to that period, for at least five or six centuries, Kashmir was under the Muslim kings. The Pakistani reasoning has been that history, ethnicity and even patterns of post-partition politics refute Jammu and Kashmir's accession to India. Regarding the geo-strategic interests, Pakistan feels that its approach to western China and Central Asian Republics would be safer if Jammu and Kashmir were under its rule. It would also strengthen Pakistan's strategic position *vis-a-vis* North-Central India. It is also argued that Jammu and Kashmir has more geographical contiguity to the present Pakistan than when related to India.¹²

The 1962 Sino-Indian border war brought the Kashmir issue back to the centre-stage. India suffered a humiliating defeat in the hands of the Chinese People's Liberation Army. Pakistani leaders tried to persuade President Kennedy to coerce India to resolve the Kashmir dispute while the war was still being waged. In a letter to Ayub Khan on October 28, 1962, Kennedy wrote that such a move would be a "totally wrong response to the threat facing India" and instead urged Pakistan to propose a no-war pledge.¹³ However, in the aftermath of the conflict, an Anglo-American mission led by the Averall Harriman, convinced Nehru and Ayub Khan to seek a fair solution to the Kashmir problem. They conveyed Nehru that people's opinion in their respective countries would not allow comprehensive help to India except when a solution to the Kashmir issue was found. Nehru agreed to hold talks with Pakistan on Kashmir. Thus between December 1962 and May 1963, Sardar Swaran Singh and Zulfikar Ali Bhutto (foreign ministers of India and Pakistan respectively) met for six times. The shadow of the Sino-Pakistan border agreement loomed large over the deliberations. Specifically on March 2, 1963, the Sino-Pakistani borders accord had been formalised. Under the terms of this agreement, Pakistan ceded 2050 square miles of territory in the northwestern portions of the state of Jammu and Kashmir to the People's Republic of China. Pakistan was agreeable to give up the Hindu-majority Jammu tacitly accepting a partition but remained firm that the future of Kashmir could only be determined by a plebiscite. India on the other hand refused to budge beyond its initial proposals of

altering the Cease-Fire Line giving Pakistan an additional 1,500 square miles and in lieu of which both parties would agree to honour the modified Cease-Fire Line as the international boundary.¹⁴

During the course of these discussions New Delhi realised that the principal link to Ladakh is through Srinagar, which is in the valley and would be gone if the valley is relinquished to Pakistan. Alternative passage has become better over the years but continues to be unsatisfactory and would entail hazardous territory and climate. Situated between the valley in the north and the Sialkot district of Pakistan in the South, the strategic position of Jammu would also become desperately weak. Thus the chances of a negotiated political settlement between India and Pakistan over Kashmir remained bleak. While Nehru was unwilling to accept an agreement under Anglo-American pressure which was understandable, he was, however, involved in finding a way out of the deadlock. However, India's experience with Pakistan had strengthened his belief that the conflict over Kashmir was only a symptom rather than the main cause for the rivalry between India and Pakistan.

India's efforts to obliterate Kashmir's special status were viewed with concern in Pakistan. Added to it the declining interest of the international community on Kashmir made Pakistani leadership feel that either the issue should be put off forever or resolved by force.¹⁵ The widespread discontent and the riots in Kashmir in the wake of the Hazrathbal incident was viewed in Pakistan as a popular revolt in the valley against the Indian state. However, despite the commotion in the wake of Hazrathbal incident the popular discord in the valley was not strong enough. In contrast Pakistan construed it as a revolt of the "captive" Kashmiri nation against India. The 1965 war was the result of systematic attempts by Bhutto and the Pakistani army to free Kashmir by coercion. It showed that Pakistan had a greater appreciation of its military and psychological advantages which, if not used to wrest Kashmir from India would ever be lost.¹⁶

To seize the valley in a short, limited war, Pakistan staged the "Operation Gibraltar". The first phase of the plan was to infiltrate the valley with about 7,000 to 8,000 specially trained raiders who were to indulge in sabotage activities and then to provoke the local people to rise in revolt against the Indian authorities. In the second phase, taking benefit of the commotion in the Kashmir valley, the Pakistan Army would then move to capture the Kashmir valley in a sequence of swift conclusive steps. The capture of the valley would then finally resolve the issue in Pakistan's favour. The infiltration started in August 1965. The thinking of the Pakistani ruling elites smacked of ethno-centric bias, the Hindu Indians were deemed as weak and lacking a stomach for war. Such a belief generated feelings of over confidence about sure military victory for Pakistan in Kashmir. However, as it is discussed below Pakistan was proved wrong on all the above counts.

The Pakistan game plan boomeranged due to two false suppositions on which "Operation Gibraltar" was conceived. Firstly, the Kashmiri Muslims instead of rising in revolt actually caught the infiltrators and handed them over to the Indian forces. Secondly, the Indians in order not to lose the war actually took the war to the enemy's camp rather than confining the hostilities to Kashmir theatre. India's bold move to cross the international borders saved the Kashmir from Pakistani designs. Because of being a small state Pakistan lacked strategic depth, therefore it had to divert her forces from Kashmir to her own territory. The war, which started on September 5, came to a halt 12 days later as the U.S. placed an embargo on arms to the sub-continent. None of the combatants had the wherewithal to continue the fighting on their own. Both the parties thankfully accepted the Soviet resolution in the Security Council calling for a cease-fire.¹⁷

Thus, during the years 1962–1965 the special status of the Jammu and Kashmir was gradually done away with and was integrated into the Indian Union. This era also witnessed the arrest of Sheikh Abdullah and his exile to southern India. However, these events and the incident at the Hazrathbal shrine produced unrest in the valley only to a limited extent. Most importantly even Pakistan's overtures to invite the Kashmiris to rise in revolt against the Indian state, the local population did not respond.

The above argument suggests that some sections of the Kashmiri community did have real and imagined grievances against the Indian state in general and its toleration of the corrupt Kashmir regimes in particular. These perceived or real injustices/grievances, as the demonstrations in the wake of the Hazrathbal incident suggest could have been successfully mobilised. However, such incidents cannot be

construed as equivalent to a secessionist movement based on ethnicity. No doubt there has been fragmented opinions among the Kashmiris to either join Pakistan or seek complete freedom for the Kashmir.

Kashmir proved to be a theatre of the 1971 Indo-Pak war too. India's goals seemed to be to hold on to its position along the Cease-Fire Line, capturing strategic territorial gains and imposing greatest possible damage on Pakistan's armed resources particularly its armored divisions. In Kashmir the operations were focused on three key areas, Poonch, Chenab and Kargil. The consequences of the 1971 war had importantly weakened Pakistan's irredentist claim on Kashmir as such claims tend to bring together members of the same ethnicity spread across borders. The Pakistani claim, it may be recalled, was based on the predominantly Muslim population of the state. However, as Pakistan failed to hold on to East Pakistan despite the religious affinity, its ethno-religious claim to Kashmir appeared questionable. Thus Pakistan after the 1971 war lacked the resources in terms of military prowess or the political will to foment trouble in Kashmir.

The local populace in the Kashmir valley as during the earlier war of 1965 extended their full co-operation to the Indian armed forces. Even if there was any resentment among the Kashmiris in the valley, its benefit did not accrue to Pakistan. The Shimla Agreement of 1972, signed in the wake of 1971 war failed to resolve the Kashmir problem. The Indian negotiators failed to obtain Bhutto's acquiescence on transforming the line of control into an International border. However, Zulfikar Ali Bhutto had agreed to revisit the matter at a later date.

Pakistan witnessed the abrupt end of Bhutto's term and accession of General Zia Ul-Haq to power. As General Zia consolidated power in Pakistan discontent was growing in the border states of Punjab and Kashmir. Pakistani establishment was convinced that India was defensive in its internal affairs. This was tempting for the establishment to infer that Kashmir could be secured by force and that the 1971 defeat could be avenged. Towards this end, they adopted the following strategy: (a) to initiate a low-cost proxy war in the Indian states of Punjab and Kashmir and to refrain from a general war with India; (b) to launch a peace rhetoric demonstrating Pakistan's desire to normalize relations; and (c) to secure a bilateral nuclear non-proliferation pact. Towards this end the Pakistani military and nuclear establishments indicated a greater awareness of the value of an improved nuclear weapons capability and posture. The benefits were many: (a) it would discourage India from war and offset India's advantage in conventional weaponry; (b) it would endow Pakistan to intervene in Indian Punjabi and Kashmiri affairs without fears of a 1965-type reprisal by India and; lastly, it would frighten India into adopting an open nuclear policy and this would result in US pressure on India. Such strategy suggested a linkage between Pakistan's nuclear policy and its attitude towards India's border states.¹⁸

Thus Pakistan's strategy of waging a low intensity proxy war with India has changed the dynamics of the Kashmir issue. Towards that end Pakistan has been indoctrinating the Kashmiri youth with the ideals of radical Islam. Pakistan has been giving training and weapons to the disgruntled Kashmiri youth and encouraging them to rise against the Indian forces. Thus in the late 1989 and early 1990 insurgency broke out in Kashmir which India found it difficult to deal with.

The situation has changed dramatically in Kashmir since the late 1980s. A new generation of educated, politicised and articulate Kashmiri youth has emerged on the scene. They were conscious of their distinct identity and exposed to the ideals of Islamic sentiment contrary to the notion of Kashmiriyat. These youth were not attracted to the traditional sectors of employment like handicrafts and tourist industry and the lack of prospects of new modes of employment made them desperate. The developmental funds given by the central government to Kashmir have generally not reached the common people because of corruption. The malpractices committed during elections have blocked the channels through which dissent could be expressed. This has led to the alienation of Kashmiris from New Delhi.

In the 1989-90s in the wake of the insurgency in Kashmir, Pakistan made renewed attempts to focus international attention on the Kashmir dispute. Many analysts in India blamed it on the failure at Shimla to persuade Pakistan to finalise the status of the border of Kashmir. Today looking back at the events of the 1965 and 1971, "the past appears as a contrast" or those days of the pre-1990 era cannot be recreated again

in the valley. It is an era of lost opportunities for India. A durable and lasting solution could have been found but alas it could not happen. Today Kashmir has become a protracted and complicated problem and what is more both India and Pakistan have become nuclear weapon states.

CONCLUSION

On the very eve of partition and the emergence of India and Pakistan as sovereign, independent states their bilateral relations became embittered due to the Kashmir issue. Contrary to Pakistan's claim, Kashmir's accession to India was both legal and valid. Unfortunately what had contributed to the conflict potential was the Maharaja Hari Singh's indecisiveness. Had he acceded to any one of the states within the time specified there would have been no controversy at all as the founding fathers of India were on record as saying that they would not have treated it as "amiss" if the Maharaja acceded to Pakistan. On the contrary Pakistan's founding fathers had a clear strategic thinking on Kashmir. They wanted to grab Kashmir by any means. By imposing economic blockade of Kashmir and playing a role in the tribal revolt in 1947, Pakistan precipitated the crisis. By indulging in rapine, plunder and violent activities, during the tribal revolt, Pakistan stood discredited in the eyes of the local Kashmiris, despite the Maharaja entering into a Standstill Agreement with Pakistan. Pakistan's complicity in the Kashmir issue successfully disputed the issue of accession of Kashmir to India in 1947. Despite three wars in 1947- 48, 1965 and 1971 and near-war like crisis situations in 1987 and insurgency in 1989-90 the Kashmir issue still remains unresolved.

Things have changed dramatically in Kashmir since the late 1980s and early 1990s with the arrival on the scene of a new generation of Kashmiris who are educated and politicised. They are aware of their distinct cultural identity and exposed to the ideals of Islamic sentiment. They are no longer attracted to the traditional sectors of employment like handicrafts and tourist industry and bemoaned at the lack of prospects of new modes of employment. The generous devolution of funds given by the central government to Kashmir have generally not reached the common people. Whatever dissent could be expressed through electoral process was nullified by the malpractices committed in elections. All these developments alienated the Kashmiris from New Delhi.

Pakistan tried to capitalise on the growing resentment and discontent among the youth of Kashmir. Pakistan incited the disgruntled youth by a process of indoctrination and gave them training, money and weapons to revolt against the Indian State. It patronises various terrorist groups with Islamic orientation in Kashmir. It also involved the Afghan and other foreign jihadis in Kashmir. The involvement of foreign fighters has complicated the scene in Kashmir. There had been a proliferation in terrorist and Islamic Jehadi groups being supported by Pakistan. Such groups favour Kashmir's integration with Pakistan. While the oldest of the organisation, the JKLF is perhaps the only group favouring independence of Kashmir.

Today the Kashmir issue has become complicated and exacerbated. As a result of involvement of various powers and the enlargement of the core issues involved in the Kashmir problem, the conflict became intractable. Further today both the parties to the conflict have become nuclear powered countries. Unfortunately western powers treat India and Pakistan on par forgetting the basic issue of Pakistan's aggression and Kashmir's legal accession to India. It is the neglect of these subtleties that really annoy the Indian leadership. This is a result of Pakistan's efforts to internationalize the Kashmir issue. Pakistan has overworked itself to project the human rights violations in Kashmir through its propaganda machinery and to certain extent was successful to draw international focus on the Kashmir issue. Nevertheless, Indian diplomacy's deft handling of the situation prevented any intervention by the international community and saved India from further embarrassment. However the Kashmir issue remains intractable and unresolved probably it is not yet "ripe for resolution".

REFERENCES

1. Sumit Ganguly. 1997. The Crisis in Kashmir: Portents of war, hopes of peace. Cambridge: Cambridge University Press, p.8.
2. ShirinTahir-Kheli. 1982. The United States and Pakistan. New York: Praeger Publishers, p.12.

3. Appadorai, A. 1992. National Interest and India's Foreign Policy. Delhi: Kalunga Publications, p.79.
4. V.P. Menon. 1956. The Story of the Integration of the Indian States. Calcutta: Orient Longmans, pp. 390-415.
5. Alan Campbell-Johnson. Mission with Mountbatten. New Delhi: Wiley Eastern Ltd. First reprinted in India, 1994), p.223.
6. Riyaz Punjabi. 1997. Kashmir: On the Eve of Accession. Journal of Peace Studies, 4(24), 20.
7. Damodar R. Sardesai. 1992. The Origins of Kashmir's International and Legal Status, in Raju G. C. Thomas (ed.), Perspectives on Kashmir: The Roots of Conflict in South Asia. Boulder: West View Press, p.84.
8. Major General Akbar Khan. Raiders in Kashmir (Karachi: Pak Publishers, 1970), quoted in Sumit Ganguly, op. cit., n.1, p. 9.
9. Alan Campbell-Johnson, op. cit., n. 5, p. 225.
10. V. P. Menon, op. cit., n.4, p. 400. See also, Jagmohan, My Frozen Turbulence in Kashmir (New Delhi: Allied Publishers, 1991), pp.86-87.
11. Prem Shanker Jha. Kashmir, 1947: Rival Versions of History (Delhi: Oxford University Press, 1998), pp. 4 & 74-82; J. N. Dixit, Anatomy of a Flawed Inheritance Indo-Pak Relations 1970-1994. (Delhi: Konark Publishers Pvt. Ltd., 1995), pp.203-205; Bharat Karnad, "Muchado about Kashmir", Seminar No. 437 (January 1996), (Review Article), pp.73-76.
12. J. N. Dixit, Ibid.
13. T.V. Paul, Asymmetric Conflicts: War Initiation by Weaker Powers. (Cambridge Studies in International Relations, No.33), (Cambridge, New York: Cambridge University Press, 1994), p. 123.
14. Gowher Rizvi. 1993. South Asia in a Changing International Order. New Delhi: Sage Publications, pp. 64-67; Sumit Ganguly, op. cit., n. 1, p.46.
15. ShirinTahir - Kheli, op. cit., n. 2, pp.12-15.
16. Ashok Kapurwith A. Jeyaratnam Wilson. 1996. Foreign Policies of India and her Neighbours. New York: St.Martin's Press Inc., p.82.
17. T. V. Paul, op. cit., n. 13, pp.107-125; GowherRizvi, op. cit., n. 14, pp.71-72.
18. A. Jeyaratnam Wilson, op. cit., n.16. p.151.