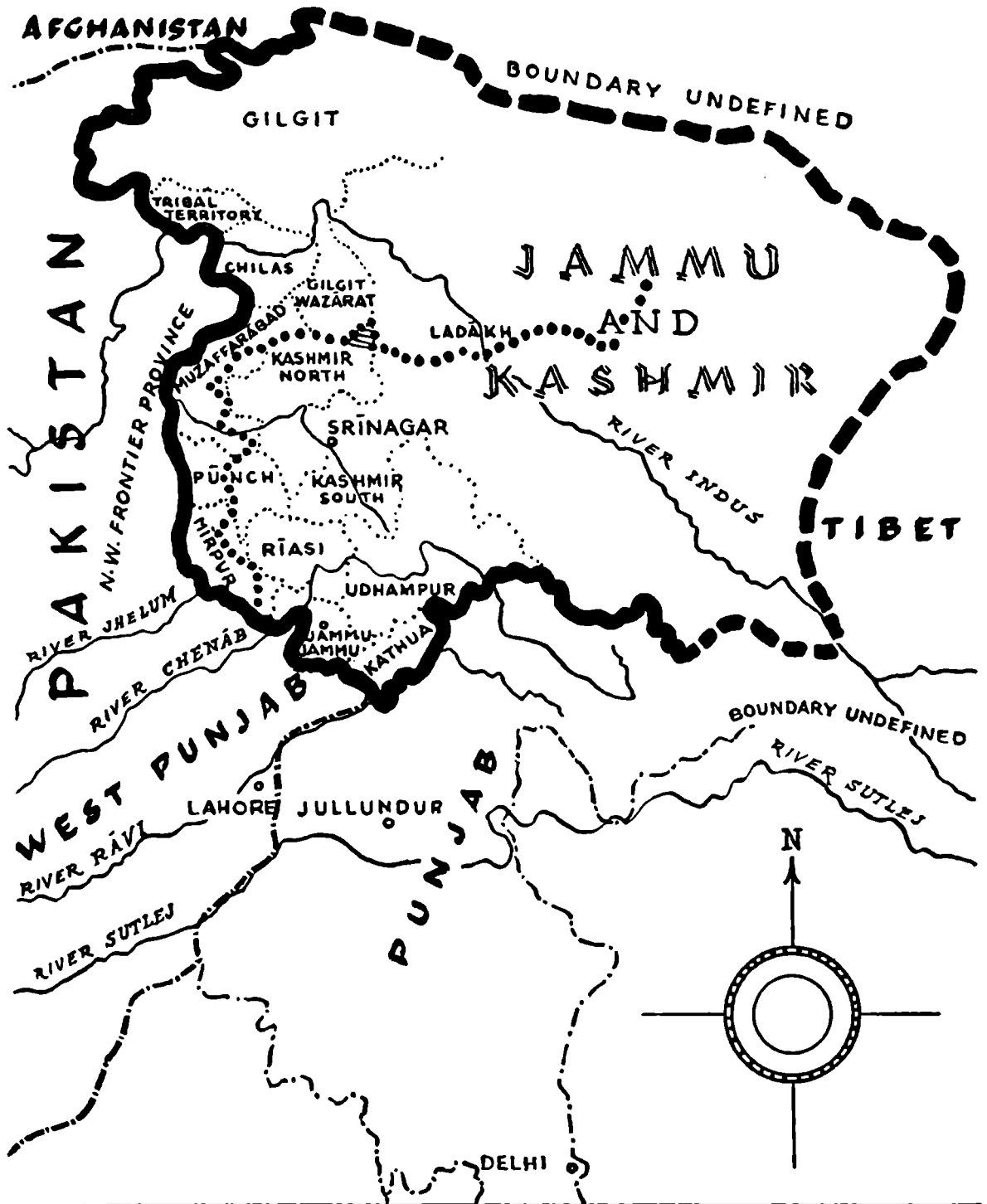


The  
**STRUGGLE for KASHMIR**



Michael Brecher



# JAMMU *and* KASHMIR

## LEGEND

CEASE-FIRE LINE

STATE BOUNDARIES

PROVINCIAL BOUNDARIES



*The*  
**STRUGGLE for KASHMIR**

**MICHAEL BRECHER, Ph.D.**



*Published under the auspices of the Canadian  
Institute of International Affairs and  
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TO EVA



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In the preparation of this study I have received the sympathetic interest and valuable suggestions of many persons, both in the sub-continent and in America. I hope that our many friends and acquaintances in Kashmir, India and Pakistan will forgive me if, without listing all their names here, I take this opportunity of conveying my sincere appreciation for their generosity and courtesy, for providing me with insight into contemporary affairs of the sub-continent, particularly the Kashmir dispute, and for making our stay a memorable one.

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For errors of fact and the interpretation of the data, the author assumes full responsibility.

MICHAEL BRECHER.

*McGill University,*  
*June 1st, 1953.*



## *Introduction*

THE EMERGENCE of two independent states in the Indian sub-continent on August 15, 1947, was an event of major significance in contemporary world politics. This shift in the locus of decision-making, affecting the destiny of more than 400 million people directly and the rest of Asia indirectly, combined with the upsurge of nationalism throughout Asia, brings into sharp relief the place of India and Pakistan in a world charged with high tension. India, by virtue of its power potential and its role of leadership in South Asia, Pakistan, because of its aspirations to Islamic leadership, and both because of their strategic location, occupy a pivotal position in this part of the world.

During the past six years, however, their energies have been partly diverted into a variety of disputes arising out of the partition of India, disputes which have hindered social and economic development in both countries and have influenced their role in international affairs. Among these the most far-reaching in its repercussions has been the conflict over Kashmir. Indeed, Kashmir is generally recognized to be the most critical problem in the relations between India and Pakistan since the partition of the sub-continent in 1947.

This view has been frequently expressed by prominent statesmen and United Nations' officials who have participated in the efforts to mediate the Kashmir dispute. The importance which has been attached to this dispute may be illustrated by the following comments:

*Dr. Henry Grady*, then U.S. Ambassador to India, on January 6, 1948: "Kashmir is the one great problem that may cause the downfall of India and Pakistan."

*Mr. Philip Noel-Baker*, the British delegate to the Security Council, on April 17, 1948: ". . . the Kashmir dispute is the greatest and the gravest single issue in international affairs . . . India and Pakistan have an overriding common interest in settling this question . . . Kashmir has become the very pivot of their relations . . . It is the crossroads at which the course of future history will be decided."

*General A. G. L. McNaughton*, a United Nations mediator, in his report to the Security Council on February 6, 1950: "So long as the

dispute over Kashmir continues, it is a serious drain on the military, economic and, above all, on the spiritual strength of these two great countries."

*Pandit Jawaharlal Nehru*, the Prime Minister of India, on July 3, 1950: "On its satisfactory solution (the Kashmir problem) depends the future of Indo-Pakistan relations."

*Liaquat Ali Khan*, the late Prime Minister of Pakistan, on December 6, 1950: ". . . divided by the suspicions which the Kashmir dispute keeps alive, it is unrealistic to talk of either Pakistan or Bharat (India) successfully playing their role in Asia."

*Richard Symonds*, the author of *The Making of Pakistan*, 1950: "So vital seems its possession for economic and political security to Pakistan that her whole foreign and defence policy has largely revolved around the Kashmir dispute . . . Far more than the Punjab massacres which, though horrible, were short-lived, it is the Kashmir dispute which has poisoned every aspect of Indo-Pakistan relations."

*The Economist* on January 13, 1951: "Its solution is the key to the future of the Commonwealth in Asia and to the security of the whole Indian Ocean area."

*Dr. Frank Graham*, the present United Nations mediator, in his address to the Security Council on October 18, 1951: ". . . the chief roadblock in the way of the co-operation of India and Pakistan is the Kashmir dispute. The prior settlement of the Kashmir dispute would help clear the way for the settlement of other disputes of importance to the life of millions of people in India and Pakistan." On October 10, 1952, Dr. Graham stated to the Council: "The co-operation of India and Pakistan in the demilitarization of the State of Jammu and Kashmir, in the self-determination of the people of the State, and in the larger release of budgets into constructive programmes, might become one of the turning points in the history of our times toward the co-operation of all nations for the larger self-determination of all peoples . . ."

*Khwaja Nazimuddin*, the former Prime Minister of Pakistan, on December 10, 1952: "I see no hope whatever of Indo-Pakistan relations taking a sane turn and the two countries collaborating in meeting the grave problems that they, in common with the Asiatic countries, today face, so long as the Kashmir dispute continues to divide them into mutually hostile camps."

*Dr. Ralph Bunche*, Director of the U.N. Trusteeship Division and former U.N. Palestine Mediator, on February 6, 1953: "Kashmir is one situation you could never localize if it should flare up. It would influence the whole Muslim world. (It is) potentially the most dangerous in the world . . ."

These considerations give substance and timeliness to a comprehensive analysis of the Kashmir problem. In the following pages an attempt is made to provide such a study in the hope that it may contribute in some small measure to the understanding of a grave problem in contemporary Asian and Commonwealth affairs.

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## CHAPTER I

### *The Background*

#### A. *Some Fundamental Facts About Kashmir\**

THE STATE of Jammu and Kashmir was the largest and one of the most populous of the 562 principalities which dotted the map of India prior to the partition of 1947.<sup>1</sup> It comprised an area of 84,471 sq. m. and, in 1951, a population of 4,382,680.<sup>2</sup> Like most of the princely States, Kashmir was characterized by absolute autocracy in its internal affairs and a predominantly agrarian economy with a high concentration of land ownership. In common with all of these States, it had a constitutional status, encompassed in the doctrine of paramountcy, which acknowledged British suzerainty in all matters pertaining to defence, foreign affairs and communications, in exchange for a large measure of internal autonomy.

Each of these features was to play an important role in the origin and evolution of the Kashmir dispute. Of far greater consequence, however, were four other characteristics which, in the transitional period of conflict following the partition of India, were to give to Kashmir a significance far out of proportion to its size and numbers. These characteristics may briefly be termed *strategic location, economic power, demographic, cultural and territorial heterogeneity, and internal political consciousness.*

\*Jammu and Kashmir is the official name of the State. Throughout this study it will also be referred to as Kashmir, the commonly-accepted abbreviation.

<sup>1</sup>According to the 1941 census, Kashmir was the fourth most populous of the princely States, viz.

Hyderabad -	16,339,000	Travancore -	6,070,000
Mysore -	7,329,000	Kashmir -	4,022,000

Sir R. Coupland: *India: A Re-Statement*, Oxford University Press, 1945, p. 301.

<sup>2</sup>The 1951 census figure is taken from *Times of India*, Bombay, July 29, 1952.

Situated at the apex of the Indo-Pakistan sub-continent, Kashmir derives considerable importance from its geographical contiguity to the principal States of central Asia, from the fact that the frontiers of Pakistan, Afghanistan, the Soviet Union, and China meet in the vicinity of Kashmir's northernmost border. Whether the northern frontier of Kashmir represents the actual point of convergence of these central Asian States, or whether "Kashmir loses track of even its own boundary lines in the wildness of the snow-filled Himalayas . . .",<sup>3</sup> does not detract from the significance of its geographical position. Indeed, most commentators on Kashmir have stressed the actual and potential importance of this location.

Typical of this awareness is the comment of a French traveller writing of his experiences in the Moghul Empire in the mid-seventeenth century:

It (Kashmir) is probably unequalled by any country of the same extent, and should be, as in former ages, the site of sovereign authority extending its dominion over all the circumjacent mountains, even as far as Tartary and over the whole of Hindoustan to the island of Ceylon. It is not indeed without reason that . . . Akbar was so unremitting in his efforts to wrest the sceptre from the hand of its native princes.<sup>4</sup>

In more recent times another writer has noted the relevance of this location to the six-year-old impasse in the following words: "Kashmir in India (the same can be said of Pakistan) links us with five international frontiers of immense world strategic importance." (T. of I. 22.12.49.)

Another significant fact affecting the course of the Kashmir dispute is the existence within the boundaries of Kashmir of the headwaters of three major rivers, the Indus, Jhelum and Chenab, which flow into western Punjab, the bread basket of West Pakistan. This geographical fact has given rise to a link between the Kashmir problem and the Indo-Pakistan dispute over Canal Waters, a connection of major consequence which will be analyzed in a subsequent chapter.

Kashmir also contains considerable forest and mineral resources which are valuable to a sub-continent confronted with the necessity of greater industrialization. The extent of its mineral wealth was

<sup>3</sup>Margaret Bourke-White: *Halfway to Freedom*, Simon & Schuster, New York, 1949, p. 195.

<sup>4</sup>Francois Bernier: *Travels in the Moghul Empire, 1665-1668*, Oxford University Press, 1916, pp. 400-401.

revealed by an exhaustive inquiry made in 1923 which indicated the existence of bauxite and coal in considerable quantity and of a rather high quality, as well as iron, copper, lead, zinc, etc.<sup>5</sup>

Like Hyderabad and Junagadh (the only two other princely domains which served as serious foci of conflict in the integration of the States into India and Pakistan), Kashmir was plagued with a dichotomy in the communal composition of the rulers and the ruled, i.e. an overwhelming Muslim population with a Hindu ruling dynasty; in Hyderabad and Junagadh this communal division was reversed.

According to the 1941 census, the State of Jammu and Kashmir had a population of 4,021,616 of which 77 per cent was Muslim, approximately 20 per cent Hindu, 1.5 per cent Sikh and 1 per cent Buddhist.<sup>6</sup> These figures are incomplete, however, for they fail to convey the demographic realities which can only be understood by some reference to the administrative and geographical divisions of the State.

Administratively, the State may be divided into Jammu Province, Kashmir Province, Ladakh, Baltistan and Gilgit. In Jammu the Muslims comprised a majority of 53 per cent on the eve of the Partition. However, as a result of the migrations set in motion by the devastating communal riots in the Punjab throughout 1947, it is believed that Hindus and Sikhs are now in a majority. Although statistics on these migrations from and to Jammu Province are not available, there can be little doubt that it is now a Hindu-Sikh majority area. In addition to the exodus of Muslims to Pakistan and the corresponding influx of Hindus and Sikhs, the districts of Poonch (except the town of Poonch) and Mirpur, which are almost entirely Muslim, have been severed from their political and administrative connection to Jammu province. They are now part of the territory of Azad Kashmir, i.e. that part of Kashmir which is controlled by those who favour accession of the State to Pakistan.

In the Kashmir Valley, Muslims form well over 90 per cent of the population, the vast majority being converts from Hinduism during the centuries of Muslim rule. As for the religious affinities of the Kashmiris, i.e. the people of the Valley, the *Encyclopedia Britannica* has made the following pertinent observation: "The great

<sup>5</sup>A survey of its contents is to be found in the Government of Jammu and Kashmir: *Short Term Plan for the Development of Jammu and Kashmir State*, Srinagar, May, 1951.

<sup>6</sup>His Highness's Government, Jammu and Kashmir: *A Handbook of Jammu and Kashmir State*, 3rd edition, Jammu, 1947, pp. 1-3.

majority of the inhabitants of Kashmir are professedly Mahommedans, but their conversion (from Hinduism) to the faith of Islam is comparatively recent and they are still strongly influenced by their ancient superstitions." (11th edition, vol. XV, p. 688.)

In Gilgit, Baltistan, and the western part of Ladakh, Muslims also form an overwhelming majority but in the eastern part of Ladakh Buddhism is the predominant religion.

These religious divisions are accentuated by ethnic and cultural differences in this polyglot state. Thus, for example, both Ladakhi Buddhists and Muslims are of Mongolian stock while the Muslims of Gilgit and Kashmir, as well as the people of Jammu, are descended from the Indo-Aryans. The cultural differentiation is reflected by the affinities of the people of Jammu to the culture of east Punjab, and by those of Ladakh, whether Muslim or Buddhist, to the culture of Tibet. Finally, the State of Jammu and Kashmir is multilingual, including Kashmiri, Dogri, Punjabi, Gojri and Pahari as well as Bodhi in Ladakh and Shinh in Gilgit.

This complex configuration was acutely summarized by Sir Owen Dixon, a United Nations Mediator, in his report to the Security Council in September, 1950: "The State of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses." (S/1791, 15.9.50, p. 28.)

The physical features of Kashmir have been described by *The Imperial Gazetteer of India* in the following picturesque words:

It may be likened to a house with many storeys. The door is at Jammu, and the house faces South, looking out on the Punjab Districts of Jhelum, Gujrat, Sialkot and Gurdaspur. There is just a fringe of level land along the Punjab frontier . . . Then comes the first storey, to reach which a range of mountains, 8,000 ft. high, must be climbed. This is a temperate country with forests . . . The steps of the Himalayan range known as the Pir Panjal lead to the second storey, on which rests the exquisite valley of Kashmir, drained by the Jhelum river. Up steeper flights of the Himalayas we pass to Astor and Baltistan on the north and on to Ladakh on the east, a tract drained by the river Indus. In the back premises, far away to the northwest lies Gilgit, west and north of the Indus, the whole area shadowed by a wall of giant mountains which run east from the . . . Hindu Kush leading to the Pamirs and the Chinese dominions . . . to the KaraKoram range . . .



Westward of the northern angle above Hunza-Nagar the mighty maze of mountains and glaciers trends a little south of east along the Hindu Kush range bordering Chitral and so on into the limits of Kafiristan and Afghan territory. (Oxford, 1908, Vol. XV, p. 72.)

To appreciate this heterogeneity—demographic, cultural and physiographic—and to place it in proper perspective with reference to the current dispute over the political fate of Kashmir, it is necessary to examine the historical background of this State with particular attention to the last century.

### B. *Historical Background and the Consolidation of Dogra Rule*

The legends of Kashmir trace the dawn of its human history to 5000 B.C. Kalhana, the celebrated Kashmiri historian-poet of the twelfth century, suggested that Kashmir's political history originated with King Gonanda who supposedly reigned in the middle of the third millenium. Most historians, however, begin their history of Kashmir with the reign of Asoka, the greatest of the Buddhist rulers of India, who lived in the third century B.C.

During the succeeding two thousand years the central feature of Kashmir's political history was the constant flow of invasions and dynastic eruptions which brought to power ruling families representing the three major communities of India—the Hindus, the Muslims and the Sikhs—as well as the Afghans and the British. After a short period of Buddhist rule, a succession of Hindu dynasties reigned in Kashmir until the latter part of the twelfth century when decay and disintegration followed.

It was during the reign of Jaya Simha, in the middle of the twelfth century, that Rainchan Shah, a Tibetan soldier of fortune, seized power after a devastating Tartar invasion.

Embracing Islam, Rainchan Shah became the first Muslim king of Kashmir. Various Muslim dynasties followed during the next three centuries, and in 1586 Kashmir was conquered by Akbar, the greatest of the Moghul Emperors. The Moghuls ruled Kashmir until 1753 when the power vacuum created by the collapse of their Empire was filled by the Afghans. After sixty-three years of Afghan rule Kashmir changed hands once again, this time becoming a part of the Sikh Empire in the Punjab under Ranjit Singh. This was perhaps the shortest reign in Kashmir's long history for in less than three decades the advancing power of the British East India Company, combined with internal dissension in the Sikh Empire, following the death of

Ranjit Singh in 1839, sealed the fate of Kashmir and placed it under the control of the Dogra dynasty in 1846.<sup>7</sup>

The assumption of power by Maharaja Gulab Singh in 1846 was attended by extraordinary circumstances, the legacy of which was to have fateful repercussions on the internal politics of Kashmir in the period immediately preceding and following the partition of the sub-continent. For this reason a cursory survey of his rise to power is, in the writer's opinion, a *sine qua non* to an understanding of the origin and evolution of the Kashmir dispute.

In 1780, with the death of Raja Ranjit Deo, the principality of Jammu became a tributary of the Sikh Empire with its capital in Lahore. Early in the 19th century, Gulab Singh, the great-grandnephew of Ranjit Deo, began his service at the court of the Sikhs. As a reward for his loyalty he was appointed Raja of Jammu in 1820. During the next two decades, by sheer force of arms, Gulab Singh succeeded in conquering and amalgamating into his domain the numerous hill states between the Punjab and the then-existing boundaries of Jammu. During the thirties he managed to gain effective control over Ladakh, until then a tributary of Tibet, and in 1840 he captured Skardu and with it all of Baltistan. Thus, in the words of *The Imperial Gazetteer of India*, "whether it was policy or whether it was accident, by 1840 Gulab Singh had encircled Kashmir." (p. 95.)

The 1840's witnessed the final clash between the Sikhs and the British for the control of northern India. As the struggle reached its climax, on the eve of the battle of Sobraon in 1845, Gulab Singh, who was still theoretically a vassal of the Sikhs, emerged as an instrument of British policy, thereby contributing in no small measure to the military collapse of the Sikhs. In recognition of his services, the East India Company virtually sold the Valley of Kashmir to Gulab Singh for 7½ million rupees (1.575 million dollars). The manner in which this transaction was accomplished may be summarized as follows:

According to the *Treaty of Lahore*, March 9, 1846, the British demanded, among other things, an indemnity of one and a half crores

<sup>7</sup>The most comprehensive survey of the history of Kashmir is to be found in Dr. Mohammad Sufi: *History of Kashmir*, University of the Punjab, Lahore, 1948, 2 Vol. For a useful handbook, with a brief history of the various dynasties, see Gwasha Lal: *Kashmir: Past and Present*, Chronicle Publishing House, Srinagar, 1946. See also *The Imperial Gazetteer of India*, pp. 90-98; Sir F. Younghusband: *Kashmir*, Adam and Charles Black, London, 1909, Chapter IX; W. R. Lawrence: *The Valley of Kashmir*, Oxford University Press, 1895, Chapter VII.

(15 million) of rupees (or 3.15 million dollars) but since the Sikhs could not pay, "the Maharaja ceded, as equivalent to one crore, all rights in the hill countries between the Beas and Indus rivers."

One week later, in the *Treaty of Amritsar*, it was provided that "the British Government transfers and makes over, for ever, in independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country with its dependencies situated to the eastward of the river Indus and westward of the river Ravi . . ." Furthermore, "in consideration of the transfer made to him and his heirs . . . Maharaja Gulab Singh will pay to the British Government the sum of 75 lakhs (7½ million) of rupees . . ."<sup>8</sup>

The Treaty of Amritsar has given rise to a serious controversy over the nature of the transfer of Kashmir to Gulab Singh. Some writers have referred to it as an "acquisition," others terming it a "Sale Deed." Perhaps the most notable proponent of the former view is Sardar Panikkar who has written a laudatory account of Gulab Singh's rise to power.

In discussing this question of the transfer of Kashmir, it is . . . important to remember (that) there was no sale of Kashmir at all.<sup>9</sup>

*The Imperial Gazetteer of India*, however, referred to this episode in these words:

It is said of the first Maharaja Gulab Singh . . . that when he surveyed his new purchase, the valley of Kashmir . . . (p. 73.)

Another writer has asserted:

Gulab Singh, being a wise man, took the side of the British and his reward was one altogether out of proportion to his services. He was presented with the Kingdom of Kashmir under payment of a nominal sum—an absurd sum for such a priceless possession.<sup>10</sup>

With the consummation of the Treaty of Amritsar, the process of consolidation of Dogra power was virtually complete. In addition to the acquisition of the Kashmir Valley, Gulab Singh was also granted the sparsely-populated but highly strategic northern region of Gilgit, and was confirmed as the legal sovereign of the various tiny principalities amalgamated during the course of his military campaigns. It

<sup>8</sup>The quotations are taken from the pro-Maharaja monograph, Mohammad Aslam Khan: *The Dogra Occupation of Kashmir*, Amar Singh College, Srinagar, 1946, pp. 28-30.

<sup>9</sup>K. M. Panikkar: *Gulab Singh: The Founder of Kashmir*, Martin Hopkinson, Ltd., London, 1930, p. 104. As late as 1948, in a brief report entitled *A Study of Kashmir and Jammu*, Sardar Panikkar reiterated this view.

<sup>10</sup>Mrs. C. J. Bruce: *Kashmir*, Adam & Charles Black, London, 1911, p. 30.

was left to his successor, however, to complete the task of consolidation, particularly *vis-à-vis* Gilgit which was captured by the ruler of Yasin (a tiny frontier State) in 1852 and remained under his control until 1860 when it was recaptured by Ranbir Singh, who had succeeded Gulab Singh in 1857.

In short, it may be suggested that the heterogeneity of the State of Jammu and Kashmir, to which so much attention has been given since 1948, was the direct by-product of the military and diplomatic accomplishments of the founder of the Dogra dynasty, combined with the political acumen which accompanied the expansion of British power into northern India. And yet

the Dogra rulers . . . were not able to unify the country. The mountainous character of the country and the paucity of communications prevented the growth of anything like a common sentiment of nationality . . . The different communities continued to live a separate existence till the repercussions of the freedom struggle in India inspired the National Conference to unite the Kashmiri peoples.<sup>11</sup>

This achievement, namely the creation of a sense of national unity out of the disparate elements in the State, is worthy of special study for the process of unification revealed political and ideological cleavages which were to have a marked bearing on the Indo-Pakistan struggle for Kashmir.

### C. *Political Constellation within Kashmir, 1931-1947*

Until twenty years ago the principal characteristics of political life in the State of Jammu and Kashmir were absolute autocracy, communal discrimination and mass docility. By 1948, as a result of various interrelated processes, such as the upsurge of nationalism throughout Asia, the Indian struggle for independence, the termination of British power in the sub-continent, and the creation of an effective political organization in Kashmir, these features had given way to responsible government and communal equality.

The entrenchment of autocracy and the corresponding lack of political freedom were reflected in the fact that up to 1934 Kashmir lacked the most rudimentary form of legislature wherein grievances could be voiced. The word of the Maharaja was law and any effort to question such authority could be, and was, treated as sedition. Moreover, the power of the Dogra dynasty was of such unlimited

<sup>11</sup>The Research Institute of India: *The Kashmir Question*, Lucknow, 1950, p. 3.

scope that until the early 1930's the reigning Maharaja was the legal owner of the entire State of Jammu and Kashmir. By virtue of the Treaty of Amritsar it was assumed that Gulab Singh and his successors had secured not only the rights of sovereignty but also the right of ownership.

The degree of communal discrimination was revealed by the facts that Muslims were almost entirely excluded from the Civil Service until the 1930's, that non-Dogras were completely excluded from the State Army, and that under the then-existing Arms Act only the Rajputs and the Dogras, the clansmen of the Royal House, were permitted to own and utilize fire arms. The bias in favour of Hindus was also exemplified by the law which provided for ten years imprisonment for cow slaughter, the existence of special taxes on the sacrifice of animals during Muslim festivals, and the forfeiture of property inherited by Hindus who had been converted to Islam.

This state of affairs was graphically portrayed by Sir Albion Banerjee, Prime Minister of Kashmir in the late 1920's, who resigned because of his opposition to the policies of Maharaja Hari Singh.

Jammu and Kashmir State is labouring under many disadvantages, with a large Mohammedan population absolutely illiterate, labouring under poverty and very low economic conditions of living in the villages, and practically governed like dumb driven cattle. There is no touch between the Government and the people, no suitable opportunity for representing grievances . . . The Administration has at present little or no sympathy with the people's wants and grievances.<sup>12</sup>

It has been observed that "the modern political history of Jammu and Kashmir is synonymous with the life-story of Sheikh Mohammed Abdullah. From 1931 onward, he more than anyone else, reflects the hopes and aspirations of the people of the State."<sup>13</sup>

<sup>12</sup>As quoted in *Kashmir on Trial*, The Lion Press, Lahore, 1947, pp. 90-91.

<sup>13</sup>*Statesman*, Calcutta, June 11, 1946. For a succinct biography of Sheikh Abdullah see B.P.L. Bedi & F. Bedi: *Sheikh Abdullah: His Life and Ideals*, Srinagar, 1949. For a survey of internal political developments from 1931 to 1947 the following may be consulted: Special article in the *Statesman*, Calcutta, June 11, 1946; Prem Nath Bazaz: *Inside Kashmir*, Kashmir Publishing Co., Srinagar, 1941 (particularly useful for the early stages in the evolution of the national movement); A. Thorner: "The Issues in Kashmir," in *Far Eastern Survey*, New York, August 11, 1948. For a pro-Muslim Conference and Azad Kashmir view see M. Hafizullah: *Towards Azad Kashmir*, Bazam-U-Frogh-I-Adab, Lahore, 1948, ch. 1-4; Ghulam Abbas: "The history of the national movement;" full text in *Pakistan Times*, Lahore, October 8, 1951. For a pro-National Conference and Kashmir Government view see Government of Jammu and Kashmir: *Political Developments since 1931*, Jammu, 1948; Sheikh Abdullah; on the history of the national movement in *Tribune*, Ambala, August 31, 1951.

The story begins in September, 1930, when Sheikh Abdullah, who had recently completed his studies at Aligarh University, entered the political arena and made an unsuccessful request for a larger measure of Muslim representation in the civil service. In the following year Kashmir was the scene of riots arising from demands for the termination of discrimination against Muslims. Abnormal conditions prevailed throughout 1931, the conflict being climaxed by the imprisonment of Abdullah and other leaders, as well as the imposition of heavy collective taxes, etc. Order was restored in February, 1932, with the aid of British troops and, in recognition of the seriousness of the discontent, the Maharaja appointed a commission to recommend constitutional and other changes.

The central proposal of the Glancy Commission, as announced in 1933, was the establishment of a Legislative Assembly to be composed of 75 members, of whom 33 were to be elected; its functions were to be consultative, without any power of decision. In the meantime Sheikh Abdullah and other popular leaders had succeeded in forming the *All Jammu and Kashmir Muslim Conference*, the primary goal of which was to bring about a greater Muslim share in the Administration.

It was not surprising that the first stage in the development of the national movement should have had a communalist orientation for the policies pursued by the Maharaja's government were markedly favourable to the Hindus of Kashmir.

With the passage of time the leaders of the Muslim Conference realized the necessity of broadening the scope of its activities and membership even for the limited objective of securing the implementation of the Glancy Commission proposals. These included the extension of primary education and an increase in the number of Muslim teachers, the abolition of forced labour, and the granting of proprietary rights in land over large areas of the State. By 1935 a few Hindus began to work in collaboration with the Muslim Conference. In 1937 the change in the communal composition of the Muslim Conference was reflected in the fact that Hindus as well as Muslims were imprisoned after the agitation of the Muslim Conference for responsible government under a constitutional head.<sup>14</sup>

This process of gradual intercommunalization reached its peak on June 28, 1938, when the Working Committee of the Muslim

<sup>14</sup>I am indebted to a number of prominent Kashmiris, conversations with whom clarified many of the details of this early period of development, particularly the gradual intercommunalization of the national movement.

Conference resolved to alter the structure, composition and programme of the organization. Finally, on June 11, 1939, the formal change was brought about. Some Sikhs and Hindus were added to the Working Committee, membership was henceforth opened to all Kashmiris regardless of creed and, to symbolize the change, the organization was renamed the *All Jammu and Kashmir National Conference*.

This change was to have serious repercussions on the origin and evolution of the Kashmir problem. By its very existence the intercommunal National Conference provided evidence in support of the oft-disputed assertion that Muslims and Hindus could not only live together but could also co-operate in a joint struggle for political emancipation. The National Conference was, and still is, an embarrassment to the protagonists of the two-nation theory, whether they be in Pakistan or in India, and as such was to play an important role in the course of events which gave rise to the Kashmir dispute.

This will emerge more clearly in succeeding chapters. Here it suffices to note that throughout the lengthy and inconclusive negotiations under the auspices of the United Nations, both India and Pakistan constantly clashed over the appropriate role of Sheikh Abdullah's administration (the present Government of Indian Kashmir) in the implementation of the mutually-agreed-upon resolutions. The former contended that this regime must retain its authority during the proposed plebiscite while the latter expressed the determination to remove Sheikh Abdullah's government from the scene. And while both parties couched their arguments in legalistic terminology, there can be little doubt that one of the issues which weighed heavily with both India and Pakistan was the fact that this Kashmir Government was intercommunal in composition and outlook.

Among the first policy goals enunciated by the National Conference soon after its transformation from a purely Muslim to an intercommunal organization was the resolution of October, 1939, commonly known as "The National Demand." This policy, which served as the keystone of its programme throughout the Second World War, called for responsible government subject to the general control of the Maharaja, and a legislature entirely elected by adult suffrage, with reserved seats for minorities. The legislature was to control all revenue and expenditure with the exception of that part allotted to the Maharaja's privy purse and the army.

During the War the National Conference co-operated with the Government and acquired administrative experience in the form of distribution of food and fuel by popular committees, experience which was to be invaluable in the period of crisis following the tribal invasion of October, 1947.

As the Second World War was drawing to a close, and it became apparent that far-reaching constitutional changes in the sub-continent were impending, the Maharaja gave way to the pressure for political reform. In October, 1944, he offered to appoint two of the elected members of the legislature as responsible ministers. This concession was accepted by the National Conference but without enthusiasm. It expressed dissatisfaction with the meagre instalment of reform and reacted by publicly proclaiming its views on the political, economic and social contours of the society which it envisaged for Kashmir.

In the preamble to the plan for "New Kashmir," the National Conference announced its goals in the following terms:

. . . to perfect our union in the fullest equality and self-determination, to raise ourselves and our children forever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit valleys of plenty ruled by freedom, science and honest toil . . . to make this, our country, a dazzling gem upon the snowy bosom of Asia.<sup>15</sup>

Henceforth these were to be the objectives of the National Conference both in opposition and after it had assumed power in October, 1947.

While it is unnecessary to describe the details of this plan, it is relevant at this point to note the significance of "New Kashmir" to the six-year-old dispute over the fate of the State. In the New Kashmir plan of 1944 the National Conference proposed the convening of a Constituent Assembly to lay down fundamental laws for the State. Seven years later, after having overcome the crisis of the tribal invasion and the transfer of power, it attained the objective of a popular assembly elected by adult suffrage, although confined to the Indian side of the Cease-Fire line. As will be revealed in the subsequent analysis of the Graham Mission, this Constituent Assembly became a serious bone of contention between India and Pakistan during the summer and fall of 1951. The result was the heightening of tension and the danger of full-fledged hostilities.

It has been suggested that "the mass awakening in Kashmir was

<sup>15</sup>All-Jammu and Kashmir National Conference: *New Kashmir*, Lahore, 1944, p. 12.



not an isolated affair. It was part of the fight for freedom that was going on in British India and a number of princely States."<sup>16</sup> As early as 1941 the National Conference had become a formal member of the All-India States' Peoples Conference (the Congress affiliate in the Princely States) and in 1946 Sheikh Abdullah, who had for some years been an executive member of that organization, was elected to the presidency.

In British India communal forces were becoming more powerful and by the early 1940's communalism had become a vital force on the all-India political scene. The bipolarity in the Indian political spectrum, as represented by the communalist Muslim League and the secularist Congress had become increasingly rigid, particularly after the historic Lahore resolution of the Muslim League in 1940, which, for the first time, publicly proclaimed the goal of an independent Muslim State.

The link of the National Conference to the Congress sharpened the political cleavage in Kashmir. The more conservative Muslim leaders of the Valley, notably Ghulam Abbas, who had played an active role in the early development of the movement for reform, but who had opposed its transformation into the intercommunal National Conference, reorganized the old Muslim Conference. Its political outlook was reflected in the following statement of Abbas, the President of the Muslim Conference in 1946-1947 and later Head of the Azad Kashmir Government: "The Muslim Nation . . . has complete faith in . . . the Muslim League and its inspiring leader (Jinnah)" (D.10.4.46).

The revival of the Muslim Conference with a pronounced communalist orientation marked a new stage in the internal political constellation of Kashmir. To the hitherto existing duality, namely the Dogra dynasty and the National Conference, was added a third influential element which was to have serious repercussions on the course of events both within Kashmir and with regard to the origins of the Kashmir dispute.

Both parties participated actively in the Kashmir Legislative Assembly from 1944 to 1946, the National Conference being represented in the Cabinet. However, their energies were constantly being diverted from the mutually-agreed-upon objective of responsible government to an interparty ideological conflict, to the disadvantage of the two parties and the exclusive benefit of the ruling dynasty. The

<sup>16</sup>*The Kashmir Question*. op. cit. pp. 4-5.

adverse consequences of this ideological struggle were most acutely demonstrated in 1946 during the "Quit Kashmir" movement which demanded the termination of autocratic rule. Bitterly opposed to the secularist outlook of its rival, and primarily concerned with the objective of partitioning the sub-continent, the Muslim Conference found itself in the position of opposing the National Conference demand for immediate full responsible government and actively supporting the Hindu ruling dynasty.

The "Quit Kashmir" movement began in the middle of March, 1946, with the resignation of Mirza Mohammed Afzal Beg, the National Conference representative in the Cabinet since 1944. The reasons, as explained in a National Conference pamphlet at the end of April (*Farce of Dyarchy: Full Story of M. A. Beg's Resignation*), were that the experiment in dyarchy had proved a complete failure, and that the Prime Minister of Kashmir had refused to honour the agreement whereby the popular Ministers would be permitted to dissent publicly from government policy in the Legislature. Then, in the middle of April, 1946, Sheikh Abdullah issued a challenge to the very basis of Dogra sovereignty in Kashmir.

In a cable to the newly-arrived British Cabinet Mission, he described the Treaty of Amritsar as a "Sale Deed" in which for the paltry sum of seven and a half million rupees the entire Valley of Kashmir, as well as the four million inhabitants, had been sold to the Dogra family. He denounced this treaty bitterly, challenged its validity, and demanded that "the wrong of sale to the Dogra House" be righted, and that full responsible government be granted immediately.<sup>17</sup>

In a memorandum submitted to the Cabinet Mission, the National Conference reiterated this demand for independence in the following words:

Today the national demand of the people of Kashmir is not merely the establishment of responsible Government, but their right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the "Sale Deed" of 1846 can only be judged by looking into the actual living conditions of the people. It is the depth of our torment that has given strength to our protest.<sup>18</sup>

<sup>17</sup>The full text can be found in Bakshi Ghulam Mohammed (ed.): *Kashmir Today: Through Foreign Eyes*, Bombay, 1946, pp. 134-135.

<sup>18</sup>As quoted in *Opening Address by the Hon'ble Sheikh Mohammed Abdullah (to the) Jammu and Kashmir Constituent Assembly*, Srinagar, November 5, 1951, p. 7.

This was followed by a series of speeches by Abdullah echoing the same theme during the first three weeks of May, 1946, with the result that on May 20th the National Conference leaders were arrested.

That the Government's repression was pre-planned was revealed by Prime Minister Kak in an interview with the correspondent of the *Hindustan Times* on May 27, 1946: "We have been preparing for it for 11 months and now we are ready to meet the challenge. . . . We shall be ruthlessly firm and we make no apology about it. . .".

At this time, when the struggle for responsible government was being suppressed by the Maharaja's regime, the rival Muslim Conference stood aside. At first neutral, it later pursued a policy of outright opposition to the "Quit Kashmir" movement. Actually, as confirmed by Ghulam Abbas in the middle of May, 1946, the two parties had entered into negotiations for common action against the autocracy of the Maharaja. On May 16th, *Dawn*, the official organ of the Muslim League, welcomed the attempted rapprochement. A few days later, however, the negotiations broke down completely, for the Muslim Conference demanded as a condition of its co-operation the merger of the two organizations with a programme in favour of the Muslim League goal of partition and Pakistan (H.T. 20.5.46).

The Muslim Conference took counsel with Jinnah and on June 8th asserted that ". . . the direction and guidance of the present movement has definitely passed into the hands of the Hindu leaders . . ." (S.12.6.46). *Dawn* echoed the same theme on June 20th, terming the movement "a bargaining stunt" and accusing the Congress of conspiring to strengthen the Nationalist Muslim parties in order to weaken the projected State of Pakistan. Then, on July 27th, Ghulam Abbas described the "Quit Kashmir" movement as "a counsel of despair . . . an integral part of the Congress policy to strengthen the National Conference" (T. 30.7.46).

In short, the Muslim Conference found itself compelled to support the Hindu Dogra dynasty, which until then, and indeed since then, they have severely criticized for its ruthlessness and communal discrimination.

As soon as Sheikh Abdullah and his colleagues were arrested, and it was announced that they would be tried for sedition, Pandit Nehru, who was President of the States' Peoples Conference, hurried to Kashmir. However, on his arrival at the Kashmir border, he was

barred from the State by the Maharaja and compelled to return. For even though Nehru was one of the acknowledged leaders of the Congress and the Prime Minister-to-be of free India, the Maharaja was still in a position, as late as 1946, to exert his sovereign authority in any manner if he so desired. The trial was held as scheduled and Sheikh Abdullah was sentenced to three years rigorous imprisonment.<sup>19</sup> The National Conference ceased to function for the time being as an open opposition. However, it continued to operate as a strong underground movement particularly in Srinagar. In addition, a National Conference centre existed in Lahore under the leadership of Ghulam Mohammed Sadiq, the President of the Constituent Assembly, and Bakshi Ghulam Mohammed, the present Deputy Premier of Kashmir.

The Muslim Conference was unaffected and continued to participate in the legislature until September, 1946, when its members resigned *en masse* as a protest against a far-reaching Public Security Bill. At the same time, benefitting from the temporary public eclipse of the National Conference, it pursued its communalist objective and devoted its attention to winning the secularists of the National Conference to Jinnah's two-nation theory. Thus, for example, on September 25th, *Dawn* expressed the need to "make the few misguided nationalists realize that the problem in Kashmir is essentially a Hindu-Muslim problem." Ten days later, Ghulam Abbas appealed to "all sections of Muslims . . . to sink their old differences and to gather under the flag of the Muslim Conference" (D. 6.10.46).

The Muslim Conference was confronted with a profound dilemma, namely its virulent opposition to the secularism of the National Conference, and the realization that its rival was indispensable to its goal—the integration of Kashmir into Pakistan. This dilemma was illustrated by the fact that Abbas himself appealed to the Maharaja on September 16, 1946, to release Sheikh Abdullah and his colleagues (D.17.9.46). Moreover, on October 30, 1946, *Dawn*, still unwilling to alienate Abdullah because of his acknowledged popularity and status in Kashmir, contented itself with chiding him in the following words: "Abdullah misused the influence . . . he had with the people."

<sup>19</sup>For a comprehensive survey of the trial see *Kashmir on Trial*, The Lion Press, Lahore, 1947. (Introduction by Jawaharlal Nehru.)

Having temporarily disposed of the threat to its power, the Maharaja's Government now turned its attention to the Muslim Conference. On October 25, 1946, it arrested Abbas and other leaders on the grounds that they had violated a recently-enacted law against demonstrations (C.M.G. 29.10.46). Thus, by the end of 1946, the first tempo of the national movement had been slowed down through repression, and to all appearance the power of the Maharaja remained supreme. This was the internal political situation which characterized Kashmir on the eve of the partition of India.

## CHAPTER II

### *Partition, Invasion and Accession*

#### A. *The Partition of India and the Status of Kashmir*

THE EFFECT of Partition on the constitutional status of princely India was near-disastrous uncertainty. Already as early as May 12, 1946, the *Cabinet Mission Memorandum* on paramountcy had created the possibility of political fragmentation in the sub-continent by declaring:

. . . His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States.

On June 3, 1947, the British Government reaffirmed this view in its official proposals for the partition of the sub-continent: "His Majesty's Government wish to make it clear that . . . their policy towards Indian States contained in the Cabinet Mission Memorandum . . . remains unchanged."

This approach to paramountcy was a logical culmination of the policies pursued by the British towards the princely States since the Great Rebellion of 1857. In 1858, when the Crown assumed direct administrative control over British India, the policy of annexing princely States wherever feasible, which had been pursued by the East India Company for over twenty years, gave way to a policy of acknowledging the status and rights of the Princes. This was reflected in Queen Victoria's proclamation of that year which, *inter alia*, promised: "We shall respect the rights, dignity and honour of native Princes as our own." Since that time every measure of Indian constitutional reform made special provision for the status of the Princes.

Thus, for example, the Government of India Act of 1935 provided for the establishment of an All-India Federation, but this was to come into being only after the voluntary accession of princely States having a population of at least 50 per cent of the total population of the States.<sup>1</sup>

The danger of "balkanization," implicit in the Statement of June 3rd, found juridical expression in the *Indian Independence Act* of July 18, 1947, the document which provided the legal basis for the transfer of power to the successor governments of India and Pakistan. With reference to the constitutional consequences of Partition for the Indian (princely) States, it stated:

As from the appointed day (August 15, 1947) . . . the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act . . . all obligations of His Majesty existing at that date towards Indian States or the Rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States . . .<sup>2</sup>

It was generally agreed that from a strictly legal point of view this provision granted full freedom of action to the princely States, i.e. to accede to either India or Pakistan or to remain as independent entities. And, indeed, notwithstanding the potential political implications of such a juridical right, the spokesmen of the two principal Indian parties publicly announced their acceptance of this interpretation.

For the *All-India Muslim League*, Mr. Jinnah declared on June 17, 1947:

Constitutionally and legally the Indian States will be independent sovereign States on the termination of Paramountcy and they will be free to decide for themselves to adopt any course they like. It is open to them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly, or decide to remain independent. . . I am clearly of the opinion that the Cabinet Mission's memorandum of May 12 (1946) . . . does not in any way limit them . . . (D. 18.6.47).

<sup>1</sup>For a comprehensive analysis of the constitutional position of the States see A. B. Keith: *A Constitutional History of India 1600-1935*, Methuen & Co., Ltd., London, 1936.

<sup>2</sup>The foregoing quotations and the subsequent quotations from Lord Mountbatten's address to the Chamber of Princes on July 25, 1947, are taken from Government of India: *White Paper on Indian States*, New Delhi, 1950, pp. 153, 31, 12, 156, 161 and 161.

Just two weeks before the Partition took place, Mr. Jinnah reiterated the attitude of the Muslim League (and, therefore, of Pakistan) to the princely States in the following words:

They are . . . free to join either of the two Dominions or to remain independent. The Muslim League recognizes the right of each State to choose its destiny (D. 31.7.47).

The *Indian National Congress* also accepted this interpretation but with less enthusiasm, perhaps because of the fact that the vast majority of the Indian States were located in that part of the sub-continent which was to form the Indian Union. As Lord Mountbatten pointed out in his address to the Chamber of Princes on July 25, 1947: "Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan."

Moreover, the nature of the geographical distribution of these States was such that a complete acceptance of the principle of independence for the States would probably have led to virtual paralysis and chaos in the new India. This danger was portrayed by Sir Reginald Coupland in the following words:

An India deprived of the States would have lost all coherence. They stand between all four quarters of the country. If no more than the Central Indian States and Hyderabad and Mysore were excluded from the Union, the United Provinces would be almost completely cut off from Bombay, and Bombay completely from Sind. The strategic and economic implications are obvious. India could live if its Moslem limbs in the north, west and northeast were amputated, but could it live without its midriff?<sup>3</sup>

Another reason which may explain the more equivocal reaction of the Congress to the implied freedom of action for the Princes was the fact that, unlike the League, it had long struggled for responsible government in the Indian States. Thus, in 1939, the States' Peoples Conference, reflecting the policy of the Congress on this question, called for the curtailment of princely privileges and the termination of all treaties with the Princes as being "out of date and inapplicable to present conditions." Pandit Nehru, in his presidential address to this session of the States' Peoples Conference, went even further and

<sup>3</sup>*India: A Re-Statement*, Oxford University Press, 1945, p. 278.



asserted that these treaties, which granted special rights to the Princes, would not be recognized in a free India.<sup>4</sup>

In spite of the awareness of the vital necessity of a unified India, as described by Coupland, and this legacy of opposition to the Indian Princes, the Congress also accepted this provision of the Indian Independence Act. Perhaps this may be explained by two factors: the conviction of the Congress that, like partition, the recognition of princely sovereignty was a *sine qua non* of the achievement of a free India; and the fact that on the eve of Partition, Sardar Patel, the acknowledged friend of the Princes, assumed full responsibility for the relations between the Centre and the princely States.

It was Patel who was largely instrumental in bringing about the "bloodless revolution"—integration of the States into India—by providing the Princes with large annual privy purses, permitting their retention of titles and property, and appointing some of the more important Princes as Rajpramukhs—equivalent of Governors—of the newly-created Unions of Princely States. In this connection, V. P. Menon, the former Secretary of the Indian States Ministry, said that "Sardar Patel was anxious that the Princes should feel absolutely satisfied so that their future generations would have no complaints to make" (H.T. 2.11.51).

On July 5, 1947, a Ministry of States was established under Sardar Patel with the object of stabilizing the relations between the Dominions and the Princely States and thereby to prevent the "balkanization" of the sub-continent. The actual task of conducting negotiations with the Princes was carried out under the supervision of Lord Mountbatten whose first act was to convene a special session of the Chamber of Princes on July 25, 1947.

In his important policy statement the Viceroy asserted that the "link (between the British Crown and the Princes) is now to be broken (and) if nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first . . ." Taking this as a point of departure, he strongly urged the Princes to accede to one of the two Dominions on the three issues of Defence, Foreign Affairs and Communications. This advice was duly taken and by August 15, 1947, all of the Princely States except three had acceded to either India or Pakistan.

<sup>4</sup>Bakshi Ghulam Mohammed (ed): *Kashmir Today: Through Foreign Eyes*, Bombay, 1946, pp. 131, 132.

This acquiescence of the Princes was entirely unexpected, in view of their traditional policy towards any scheme for a "Free India." As the *Constitutional Proposals of the Sapru Committee* noted in 1945,

. . . the experience of the negotiations which Lord Linlithgow (Viceroy of India, 1936 to 1943) inaugurated and conducted between 1936 and 1939 do not encourage the hope that these consultations and investigations can be successfully concluded except with the exercise of infinite patience and after the lapse of several years . . . (p. 200, para. 274).

Nevertheless, it was clear that in practice the overwhelming majority of States did not have any choice. Those with a predominantly Hindu population and a Hindu dynasty were compelled by force of circumstances to accede to India; similarly, Muslim States, by reason of geography, communal identity and relative weakness had no alternative but to accede to Pakistan.

Indeed, only in the cases of Kashmir, Junagadh and Hyderabad did difficulties arise, partly because of the already noted dichotomy in the communal composition of the people and the ruling dynasty; but of these three only Kashmir was to become a serious threat to the peace and stability of the sub-continent for both Junagadh and Hyderabad lacked the most basic condition for becoming a crucial focus of conflict—at no point were either of their frontiers contiguous with the boundaries of Pakistan.<sup>5</sup>

In view of the unique characteristics of Kashmir (which have been described in chapter 1), Mountbatten made a special four-day visit to Srinagar in July, 1947, in a futile effort to convince the Maharaja of the desirability of acceding to either India or Pakistan. Moreover, Mountbatten later related,

had he acceded to Pakistan before August 14, 1947, the future Government of India had allowed me to give His Highness an assurance that no objection whatever would be raised by them . . . The only trouble that could have been raised was by non-accession to either side, and this was unfortunately the very course followed by the Maharaja.<sup>6</sup>

<sup>5</sup>For a discussion of the Junagadh and Hyderabad questions in relation to the Kashmir problem see Chapter IX.

<sup>6</sup>Address to the East India Association on June 29, 1948, in the *Asiatic Review*, London, Vol. XLIV, October, 1948, p. 353.

*B. Standstill Agreement and Approaching Crisis*

The crucial fact which facilitated the Maharaja's vacillation was the outbreak of mass violence and an unprecedented exchange of population in the Punjab. With the upsurge of large-scale communal riots and the accompanying carnage and migration, the attention of New Delhi and Karachi was temporarily diverted from the less urgent and less crucial problem of the political fate of Kashmir, thereby permitting further procrastination. With the passage of time, however, the Maharaja realized the necessity of coming to some understanding with the successors to the British paramount authority; and finally, on August 12, 1947, he announced his willingness to negotiate Standstill Agreements with both India and Pakistan. Three days later he signed such an agreement with Pakistan authorizing the latter to operate Kashmir's posts and telegraphs (formerly the responsibility of the undivided Government of India) and obligating Pakistan to supply food and other necessities (C.M.G. 16.8.47).

The Maharaja's request for a similar agreement with India was neither accepted nor rejected although the Prime Minister of Kashmir at the time claimed that "the Indian Dominion . . . accepted the suggestion in principle pending the clarification of certain details" (H.T.29.10.47). Other equally prominent officials denied this contention and suggested that India was reluctant to accept the Maharaja's offer primarily because of the enormous and urgent problems created by the Partition which demanded its complete attention; further, that India was unwilling to take a step which would probably have resulted in still another serious point of conflict with Pakistan.<sup>7</sup>

Whatever the reason, the absence of a formal agreement between India and the Maharaja was interpreted by the Pakistanis to mean that ultimately Kashmir would become part of Pakistan. And yet, as Pakistan's Foreign Minister stated to the Security Council on January 17, 1948, the Standstill Agreement was confined to Kashmir's "communications, supplies, and post office and telegraphic arrangements," with no reference to the issues of foreign affairs and defence, the basis of all accession agreements concluded between the princely States and the two Dominions (S/P.V. 229, 17.1.48, p. 32).

The Pakistani expectation of Kashmir's ultimate accession was also partly based upon the fact that the established lines of communications linked it with Pakistan, and that by contrast Kashmir

<sup>7</sup>Based upon private conversations with officials in India and Kashmir.

was relatively isolated from post-partition India. The principal road connecting Kashmir with the outside world was the all-weather Jhelum Valley Road, which linked Srinagar, the summer capital of Kashmir, with Rawalpindi in the West Punjab (West Pakistan). The only link with India was the Banihal Pass which was closed during part of the winter. But this Pakistani expectation proved to be wishful thinking.

The Maharaja was caught on the horns of a dilemma which may explain why he vacillated until the very last moment when his power of decision on the question of accession was abruptly terminated by the tribal invasion. He knew that accession to India would eventually have meant the substitution of responsible government for his absolute autocracy (as in fact turned out to be the case) and he may have thought that, being a Hindu, accession to Pakistan would probably have involved the loss of his throne.

Of his indecision and its relationship to the dispute over Kashmir, the Press Attaché of Lord Mountbatten wrote on October 28, 1947:

The Maharaja's chronic indecision must be accounted a big factor in the present crisis. Almost any course of action taken quickly would have saved his State from this turmoil. Procrastination alone was fatal . . .<sup>8</sup>

It has been claimed that "between August 15 and the end of October, 1947, Pakistan, in its determination to force the accession of Kashmir, used every kind of pressure, including (an economic) blockade, on the Government of Jammu and Kashmir."<sup>9</sup> While it is difficult to substantiate or to disprove this contention, a number of developments did occur which were to lead to a rapid estrangement in the relations between the Maharaja's Government and Pakistan.

During the month of September, 1947, basic foodstuffs and other necessities, which Pakistan was obliged to supply Kashmir under the provisions of the Standstill Agreement, failed to reach their destination. Moreover, in the middle of September the vital railway service between Sialkot (Pakistan) and Jammu was suspended. Charges and counter-charges were dispatched with ever-increasing frequency; Kashmir stressed the alleged economic blockade and the infiltration of armed Muslims from Pakistan into Kashmir, and Pakistan countered

<sup>8</sup>A. Campbell-Johnson: *Mission with Mountbatten*, Robert Hale Ltd., London, 1951, p. 223. Henceforth, this book will be cited as *MWM*.

<sup>9</sup>Taraknath Das: "The Kashmir Issue and the United Nations," in the *Political Science Quarterly*, New York, June, 1950, p. 265.

that Muslims in the western part of the State were being maltreated by the Maharaja's troops.<sup>10</sup>

It should be noted that while both parties (i.e. Kashmir and Pakistan) categorically rejected the accusations of infiltration and forcible suppression of Muslims by the Maharaja's troops, Pakistan never unequivocally denied the charge of economic blockade. Rather, it admitted its substance but pleaded special circumstances. Thus, for example, in a cable of October 2, 1947, the Pakistani Foreign Minister informed the Prime Minister of Kashmir:

We are willing to do everything we can and are indeed taking steps to see that Kashmir is supplied with essential commodities of which it is in need. It must however be appreciated that certain difficulties stand in our way. Drivers of lorries, for instance, are reluctant to carry supplies between Rawalpindi and Kohala. . .

Seventeen days later Karachi shed more light on the special reasons which prevented it from fulfilling its obligations under the provisions of the Standstill Agreement and expressed its concern as to the possible repercussions on Kashmir's attitude to the vital issue of accession:

It is entirely wrong to attribute difficulties in transport which have arisen owing to circumstances beyond the control of the West Punjab Government to the unfriendly intentions of that Government or to regard it as an act of coercion on your Government in taking a decision about the accession of the State.

This cable was dispatched just two days before the tribal invasion.

During the months of July and August, 1947, as a by-product of the Punjab holocaust, there was a large influx of refugees into the southern areas of Jammu Province which became a veritable highway for the movement of Muslim refugees to West Punjab (Pakistan) and the reverse movement of Hindus and Sikhs to East Punjab (India). Amidst this confusion there occurred, in the second week of August, the "Poonch revolt" against the authority of the Maharaja and the Raja of Poonch.

This event, which was the basis of the Kashmir Government's charge that armed Muslim bands had infiltrated from Pakistan, as well as of the countercharge of ruthless suppression on the part of the Maharaja's troops, has been glossed over in virtually all accounts of the origins of the Kashmir dispute. It was not by mere accident that an uprising should have occurred in this particular region of the State

<sup>10</sup>For the text of these charges and counter-charges, from which the following selections are taken, see Government of India: *White Paper on Jammu and Kashmir*, New Delhi, 1948, Documents, Part I, pp. 6-13.

of Jammu and Kashmir, for in addition to the fact that Poonch was a traditional recruiting ground for the pre-partition Indian Army, and that thousands of Poonchis had just returned from many years of service abroad, Poonch occupied a unique place in the economic system of Kashmir.

Without embarking on a thorough investigation of the Kashmiri land system at this point, it must be noted that when in 1933 proprietary rights were granted to the landholders of the State, Poonch alone was excluded from this fundamental reform. The result during the succeeding years was the existence of widespread and deep-rooted grievances on the part of the Poonchis which found expression in the revolt of August 9, 1947.<sup>11</sup>

What apparently was a peasant revolt against the feudal control of the Raja of Poonch was exploited by both Pakistan and the Maharaja. The former portrayed it as an example of Hindu-Muslim conflict which was put down forcibly by the "Hindu" Government of Kashmir, the latter as a device to force him to accede to Pakistan. Thus, during the next six weeks, both parties hurled charges of unfriendliness against each other, and in the confusion, the basis of the Poonch revolt was completely ignored.

Early in September there were regular reports of border incidents and incursions by tribesmen and other Pakistanis into Kashmir. Such incidents continued throughout September and the first three weeks of October, 1947, but it was not until October 21st that the full-scale tribal invasion began.

### C. *The Tribal Invasion*

These tribesmen lived in the area lying between the settled regions of the North West Frontier Province of Pakistan and the border of Afghanistan. On October 21, 1947, they marched across the Frontier Province and West Punjab to invade Kashmir; according to one writer, because they saw "an opportunity of gaining both religious merit and rich booty."<sup>12</sup>

<sup>11</sup>For a brief survey of the land system in Kashmir up to 1947 see His Highness's Government, *Jammu and Kashmir: A Handbook of Jammu and Kashmir State*, 3rd edition, Jammu, 1947, pp. 13-15, and *Opening Address by the Hon'ble Sheikh Mohammed Abdullah (to the) Jammu and Kashmir Constituent Assembly*, Srinagar, November 5, 1951, pp. 10-13. For post-1947 changes in the land system see Chapter VIII, Section B.

<sup>12</sup>R. Symonds: *The Making of Pakistan*, Faber & Faber, London, 1950, p. 158.

Numbering thousands and comparatively well-equipped, the tribesmen moved swiftly down the Jhelum Valley Road.<sup>18</sup> Faced with only token resistance, they captured Muzaffarabad and Uri immediately. Five days later they sacked the town of Baramulla and seized Mahura where the power plant for Srinagar and its surrounding areas is located.

By this time the Maharaja apparently realized the danger of indecision for, with events moving as rapidly as indicated by the virtually unopposed advance of the tribesmen, the capital and his throne itself were in danger. On October 24th he requested Indian military aid but was informed that this could be granted only after the State had constitutionally acceded to India. On the following day the accession offer was made. At an emergency cabinet meeting in Delhi on the 26th the accession offer was accepted by India and decisions were made for the immediate transport of Indian troops to the Kashmir valley.

In an unusual military operation, dictated by the serious logistical problem caused by the absence of suitable road communications, Indian troops were flown into Srinagar on the morning of October 27th—at a time when the tribesmen had reached a point some five miles to the west of the city. The appearance of highly-trained and well-equipped front line troops stemmed the tide of the advancing tribesmen and Srinagar was saved. By November 8th Baramulla was recaptured and one week later the town of Uri, 65 miles west of Srinagar, was cleared of the invaders. The rapid movement of the opposing armies then gave way to relative stabilization, and for the duration of the Kashmir War (to the end of 1948) this front remained comparatively static.

The principal characteristics of the tribal invasion were the surprise tactics of the tribesmen, the absence of the most rudimentary defence by the Kashmir State Army, and the pillage, loot and rapine of the tribesmen inflicted on Hindus and Muslims alike. Many accounts have testified to the atrocities of the invaders, which reached their peak at the St. Joseph Convent in Baramulla. It suffices here to note but one of these descriptions, that of *New York Times* correspondent, Robert Trumbull:

The city had been stripped of its wealth and young women before

<sup>18</sup>It is impossible to determine the exact number of tribesmen engaged in the fighting. Official Indian sources claimed that 13,000 were actually fighting and about 73,000 were concentrated in the West Punjab. *White Paper on Jammu and Kashmir*, pp. 22-23. No Pakistani estimates have ever been published.

the tribesmen fled in terror, at midnight Friday, before the advancing Indian army. Surviving residents estimate that 3,000 of their fellow townsmen including four Europeans and a retired British Army Officer, known only as Colonel Dykes, and his pregnant wife, were slain. When the raiders rushed into town on October 26th, witnesses said: "one party of Masud tribesmen immediately scaled the walls of St. Joseph Franciscan Convent compound, and stormed the Convent Hospital and the little church. Four nuns and Colonel Dykes and his wife were shot immediately. The raiders' greed triumphed over their blood lust." A former town official said: "the raiders forced 350 local Hindus into a house, with the intention of burning it down. The group of 100 raiders is said to be holding another five as hostages, on a high mountain, barely visible from the town. Today, 24 hours after the Indian army entered Baramulla, only 1,000 were left of a normal population of about 14,000" (N.Y.T. 10.11.47).

The tribal invasion and Kashmir's accession offer to India have been the subjects of unresolved controversy during the past six years. Both India and Pakistan have taken diametrically-opposed positions on the circumstances which gave rise to the invasion and accession offer; and from these different interpretations flow their sharply conflicting attitudes to the manner in which the Kashmir dispute should be solved. It is essential, therefore, to examine carefully their explanations of the facts and reasons which led to the invasion and the accession if one is to grasp clearly the fundamentals of their respective case for Kashmir.

In a comprehensive survey of the events leading to India's decision to submit the Kashmir issue to the United Nations, Pandit Nehru stated at a press conference on January 2, 1948:

. . . it is an established fact that these invaders, among whom are a large number of Pakistan nationals, have been helped in every way by the Pakistan Government (T. of I. 3.1.48).

Just two months earlier, in a cable to the Pakistani Prime Minister, he asserted:

Our information is that these raiders are being helped by high Pakistan officials. Indeed, (the) Prime Minister of (the) North West Frontier Province has openly declared that these raiders should be helped. We have definite information of senior officials of the Frontier Province giving every assistance to these raiders.

Nehru reiterated this contention on a number of occasions during the course of his cable correspondence with Liaquat Ali Khan during the last three months of 1947. In reply, the Prime Minister of Pakistan



submitted the countercharge that the tribal invasion was a spontaneous action, resulting from the atrocities committed by the Maharaja's Army against Muslim refugees passing through Kashmir from East to West Punjab and against the Muslim population of Poonch.

In a lengthy letter to Nehru on December 30, 1947, Liaquat Ali Khan explained the invasion in the following terms:

The sole responsibility for the disturbances which occurred in the State must squarely lie on the Maharaja and his Government, who . . . persisted in their policy of repression of Muslims. Repression was followed by resistance, particularly in the area of Poonch which is inhabited by a large number of ex-soldiers. The resistance in its turn was met with more repression till the Dogra savagery supported by the brutality of Sikh and Rashtriya Sewak Sangh (R.S.S.) bands created a reign of terror in the State. This state of affairs naturally aroused strong feelings of sympathy throughout Pakistan, particularly among the Muslims living in the contiguous areas who had numerous ties of relationship with the persecuted people of the State. Some of these people went across to assist their kinsmen in their struggle for freedom and indeed for existence itself.

Moreover, in this particular letter, he responded directly to Nehru's accusation and stated:

As regards the charges of aid and assistance to the "invaders" by the Pakistan Government we emphatically repudiate them. On the contrary . . . the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war.<sup>14</sup>

This line of reasoning was pursued by the Pakistani Government for eight months after the tribal invasion. At the United Nations its Foreign Minister was to repeat over and over again: "We emphatically deny that (the Pakistani Government) are giving aid and assistance to the so-called invaders." He did add, however, "It may be that a certain number of independent tribesmen and persons from Pakistan are helping the Azad Kashmir Government. . ." which had been established on October 24, 1947, and which favoured accession to Pakistan (S/646,15.1.48,p.2).

<sup>14</sup>These selections from the Indian and Pakistani Prime Ministers are taken from *White Paper on Jammu and Kashmir*, pp. 55 and 80-81 respectively. The Pakistani Government has not published an official report on Kashmir for this early period comparable to the Indian White Paper. However, it is assumed that the documents contained in the Indian White Paper pertaining to the Liaquat Ali-Nehru correspondence, as well as the exchange of cables between the Pakistani and Kashmir Governments are authentic since, to the writer's knowledge, Pakistan has never questioned the authenticity of these documents.

Although the Indian *White Paper on Jammu and Kashmir*, published in March, 1948, claimed to be in possession of "abundant circumstantial evidence" of Pakistan's complicity in the tribal invasion, and although Nehru claimed that it was "an established fact," the relationship between Pakistan and the raiders continued to be shrouded in mystery until the middle of 1948. On July 8, 1948, the Pakistani Foreign Minister "informed the members of the (U.N.) Commission that the Pakistan Army had at the time three brigades of regular troops in Kashmir, and that troops had been sent into the State during the first half of May" (S/1100, 22.11.48, para. 40). Early in August, 1948, Karachi added that "the Pakistan Army is at present responsible for the overall command . . . of Azad Kashmir forces" (S/995, 13.9.48, p. 22).

Nevertheless, the question of Pakistan's role in the *initial invasion* remained unclarified. For a long time some observers were inclined to give Pakistan the benefit of the doubt on the assumption that its leaders were aware of the disastrous consequences of such complicity. For example, Margaret Parton, the correspondent of the *New York Herald Tribune*, suggested on November 26, 1947, that

Jinnah and other members of the Muslim League were too intelligent not to realize that any invasion of Kashmir from Pakistan would push the Hindu-dominated State into the arms of India despite its predominant Muslim population.

This view was that of a minority and differed sharply from the accounts of eye-witnesses and some of the participants, as well as from public statements of prominent Pakistanis at the time.

On October 27, 1947, the correspondent of the (London) *News Chronicle* wrote: "there is every evidence that their expedition (the tribal invasion) had strong support and is being conducted with tactical skill." Six days later A. Moorehead of the (London) *Observer* reported that "everywhere recruiting is going on . . . not only in the tribal territory . . . but inside Pakistan itself." In February, 1948, after a tour of Kashmir, Kingsley Martin, the editor of the *New Statesman and Nation*, stated: ". . . nor can there be any question that encouragement and aid have been given to the tribesmen in Pakistan."<sup>15</sup>

Much light was shed on the question of Pakistan's complicity in the tribal invasion by a former American soldier, Russel K. Haight

<sup>15</sup>As quoted in *White Paper on Jammu and Kashmir*, pp. 38, 38, and 42-3 respectively.

Jr., who served for two months in the Azad Kashmir Army. In a secret interview with *New York Times* correspondent, Robert Trumbull, in Lahore on January 16, 1948, he stated that Pakistan had provided petrol, had organized camps for soldiers of the Azad Army in Pakistan and had supplied them with ammunition (N.Y.T. 29.1.48). Such a connection between Pakistan and the tribesmen was also claimed by Margaret Bourke-White as a result of her personal tour of the West Punjab at the end of 1948:

Certainly these miniature ballistics establishments (the small factories in the tribal areas) would hardly explain the mortars, other heavy modern weapons and the two aeroplanes with which the invaders were equipped. In Pakistan towns close to the border arms were handed out before daylight to tribesmen directly from the front steps of Muslim League Headquarters. This was not *quite* the same as though the invaders were being armed *directly* by the Government of Pakistan. Still Pakistan is a nation with one political party—the Muslim League.<sup>16</sup>

Prominent Pakistani spokesmen tended to confirm this view. On October 30, 1947, the Prime Minister of the Frontier Province asserted that the Pathans would not permit the “invasion” of Kashmir by India (P.T. 30.10.47). The following day the Sind Minister of Health reportedly appealed “to all trained and demobilized soldiers to proceed as volunteers to the Kashmir front” (T. of I. 1.11.47). On January 11, 1948, Foreign Minister Zafrullah Khan informed a Reuters correspondent that it was impossible for Pakistan to guarantee that no Pakistani nationals or other people passing through Pakistan should go to Kashmir to “struggle for freedom” (H.T. 13.1.48).

Notwithstanding these statements, the relationship between Pakistan and the initial tribal invasion in October, 1947, remained obscure throughout 1948. It was only on November 22, 1948, that this question was clarified. In its first interim report, the United Nations Commission for India and Pakistan noted that

at an informal meeting held on 1 August (1948) . . . Sir A. Dundas, the Governor of the North West Frontier Province . . . added that the movement of tribesmen into Kashmir had in fact to be canalized through his Province in order to avoid the serious risk of outright war with the territory of Pakistan. Further, he said that the tribesmen obtained petrol from local sources in Pakistan and made use of railways and local motor transport. Mr. Mohammad Ali

<sup>16</sup>*Halfway to Freedom*, p. 208 (emphasis M. Bourke-White). It is true that there are a number of political parties in Pakistan at the present time but the above-quoted statement was correct in 1948. Moreover, since the establishment of Pakistan, the Muslim League has been the party in power at the Centre and in all provincial governments.

(the present Pakistani Finance Minister) added that the denial of this petrol would have amounted to an economic blockade and might have implied grave consequences for the Government of Pakistan . . . Sir Zafrullah confirmed that petrol was obtained by the tribesmen from local sources (S/1100, 22.11.48, paras. 59, 60, 66).

With all this, the charge of Pakistan's complicity in the tribal invasion (which, along with the entry of Pakistani troops into Kashmir in May, 1948, and the accession of Kashmir to India have served as the core of the Indian attitude to the dispute) had not yet been fully proved or disproved because even the U.N. statements had not referred to the role of the Pakistani *Government per se*. On this vital question revealing disclosures were made in March, 1949, by the Premier of the North West Frontier Province and in December, 1951, by the Press Attaché to Lord Mountbatten.

In his budget speech to the Legislative Assembly of the Frontier Province on March 7, 1949, Premier Abdul Qayyum Khan advocated a special grant for the tribesmen and justified such an allotment in these words:

the House will recall with pride the fact that in our greatest hour of danger the Masuds responded *to our call* by rushing to the rescue of the oppressed Muslims of Jammu and Kashmir State.<sup>17</sup>

According to Mr. Campbell-Johnson, Mr. Jinnah ordered Pakistani troops to march into Kashmir on October 27, 1947, as soon as it became obvious that the tribesmen alone would fail to capture Srinagar. In his own words:

In the middle of today's (October 28, 1947) Defence Committee, Auchinleck rang up Mountbatten from Lahore to say that he had succeeded in persuading Jinnah to cancel orders given the previous night for Pakistan troops to be moved into Kashmir. The order had reached General Gracey, the acting Pakistan Commander-in-Chief in the temporary absence of General Messervy, through the military Secretary of the Governor of the West Punjab, with whom Jinnah was staying. Gracey replied that he was not prepared to issue any such instruction without the approval of the Supreme Commander (Auchinleck). At Gracey's urgent request, Auchinleck flew to Lahore this morning and explained to Jinnah that an act of invasion would involve automatically and immediately the withdrawal of every British Officer serving with the newly formed Pakistan Army. (M.W.M., p. 226, E. P. Dutton & Co., New York, 1952.)

On the same day Campbell-Johnson also noted in his diary a conversation between Mountbatten and the editor of the *Statesman* of

<sup>17</sup>As quoted in R. Symonds: *The Making of Pakistan*, p. 122. (Emphasis mine.—M.B.)

Calcutta (p. 225): "Jinnah at Abbotabad, he (Lord Mountbatten) continued, had been expecting to ride in triumph into Kashmir. He had been frustrated."<sup>18</sup>

#### D. *Kashmir's Accession to India*

It will be noted that in the preceding analysis of the link between Pakistan and the tribal invasion no reference was made to the second basic issue at the time, namely Kashmir's accession to India. In the official view of the Pakistani Government this was intimately related to the tribal invasion and had a profound bearing upon the subsequent policies of Pakistan *vis-à-vis* Kashmir.

During the lengthy cable correspondence with Pandit Nehru, and in various statements and broadcasts at the end of 1947, the Pakistani Prime Minister frequently emphasized this interconnection. Moreover, he charged that the accession of Kashmir to India was the product of a conspiracy between the Indian Government, the Maharaja and Sheikh Abdullah, who had been released from prison at the end of September, 1947. Thus, on November 4, 1947, in an address to the nation, Liaquat Ali Khan asserted:

We do not recognize this accession. The accession of Kashmir to India is a fraud, perpetrated on the people of Kashmir by its cowardly Ruler with the aggressive help of the Indian Government. The release of Sheikh Abdullah who had been convicted of high treason and the continued imprisonment of Muslim Conference leaders who had been convicted of mere technical offences is only a part of the conspiracy . . . (D. 5.11.47).

Twelve days later, the Pakistani Prime Minister declared:

There is not the slightest doubt that the whole plot of the accession of Kashmir to India was preplanned. It cannot be justified on any constitutional or moral grounds.

As for Sheikh Abdullah and the Muslim Conference leaders, the Pakistani Prime Minister opined: "While this Quisling (Sheikh Abdullah) who has been an agent of the Congress for many years struts about the State bartering away the life, honor and freedom of his people for the sake of personal profit and power, the true leaders of the Muslims of Kashmir are rotting in jail" (D. 17.11.47).

In substantiation of this conspiracy thesis, he related to a press conference in Karachi on January 3, 1948: "It is rather significant

<sup>18</sup>On the question of Pakistan's complicity in the tribal invasion see also A. Thorner: "The Kashmir Conflict," in the *Middle East Journal*, Washington, January, 1949, pp. 22 ff; J. Hennessy: *India, Pakistan in World Politics*, K-H Services, London, 1950, pp. 24-26.

that the very day the Government of India signed the Instrument of Accession, Indian troops had landed in Srinagar, by 9 a.m. on October 27" implying, therefore, that the military operation could not have been planned in one day and that it must have been preceded by organized preparations (D. 4.1.48).

This thesis was also presented by Zafrullah Khan before the Security Council more than three years later. In essence, he suggested that the alleged plot had been hatched in the spring and summer of 1947 during the visits of Gandhi, Kripalani (President of the Indian National Congress at the time) and others who allegedly tried to persuade the Maharaja to accede to India. Furthermore, the Pakistani Foreign Minister reiterated the view of Liaquat Ali Khan, quoted above, that the rapidity with which the military operation was carried out must have been preceded by considerable planning. Thirdly, he contended that Sheikh Abdullah was released from prison, while the leaders of the Muslim Conference remained in jail, because he had consented to the accession of Kashmir to India (S/P.V. 534, 6.3.51, pp. 6-15).

A somewhat different version of the conspiracy thesis was that which claimed the plot to have begun at the time of the Standstill Agreement. According to one Pakistani writer, it was signed by the Maharaja "as a measure of expediency and with a view to keeping Muslim sentiment under control. Behind the scenes, however, he was plotting with the leaders of the Indian Union to achieve a *coup d'état*." Furthermore, "it is clear that the plans of the Maharaja for asking for Indian troops were conceived prior to this (the tribal invasion) and the decision of accession was taken quite independently of the infiltration of the tribes."<sup>19</sup> The principal evidence cited by this writer is the alleged secret correspondence between Delhi and Srinagar, and the fact that Mr. Menon, the deputy of Sardar Patel, went to Srinagar and returned with the signed accession.

Whichever version is taken as the basis of the Pakistani view, the important points are that Pakistan refused to accept the legality of the accession; it considered Sheikh Abdullah not only a traitor to his people but also unrepresentative of Kashmiri Muslims; and that, since the accession was assumed to be the outcome of a conspiracy, it followed that India and not Pakistan had invaded Kashmir.

Because of the current nature of the dispute it is impossible to

<sup>19</sup>Ziaul Islam: *The Revolution in Kashmir*, Pakistan Publishers, Karachi, 1948, pp. 7, 13.

evaluate conclusively the validity of these contentions, particularly the conspiracy thesis. Nevertheless, it is possible to present a tentative appraisal of these hypotheses in the light of available evidence. To do so it is necessary to examine the role of Sheikh Abdullah and the Maharaja during this crucial period of confusion, the attitude of Patel, Mountbatten and Jinnah, and the circumstances which led to the accession of Kashmir to India and the dispatch of Indian troops to Kashmir.

Soon after his release from prison at the end of September, 1947, Sheikh Abdullah reiterated his demand for responsible government and issued the slogan "freedom before accession;" by this he meant that only after responsible government was granted by the Maharaja could the people of Kashmir give their considered judgment to the vital question of accession. He went even further in a speech on October 5th when he declared that

if the four millions of people living in Jammu and Kashmir were bypassed and the State declares its accession to India or Pakistan, I shall raise the banner of revolt and we will launch a "do or die" struggle.<sup>20</sup>

During the first three weeks of October the idea of "freedom before accession" served as the basic policy of the National Conference on the crucial issues of the day, and in a series of speeches Sheikh Abdullah pleaded for time to decide to which State Kashmir should accede. In pursuance of this policy he took the initiative in bringing about negotiations with Pakistani leaders, wherein the representatives of the National Conference requested Pakistani aid to achieve popular self-government in Kashmir and time to enable the Kashmiris to decide the question of accession without pressure.

In the middle of September, 1947, Pakistani emissaries came to Srinagar in an effort to secure Sheikh Abdullah's agreement to the immediate accession of Kashmir to Pakistan. The leader of the National Conference remained adamant and, in his own words,

I told them . . . that, whatever had been the attitude of Pakistan towards our freedom movement in the past, it would not influence us in our judgment. Neither the friendship of Pandit Nehru and of Congress nor their support of our freedom movement would have any influence upon our decision if we felt that the interests of four million Kashmiris lay in our accession to Pakistan (S/P.V. 241, 5.2.48, p. 82).

<sup>20</sup>Sheikh Abdullah: *To America*, Bombay, 1948, pp. 4-5.

Early in October, a delegation of the National Conference went to Pakistan in an unsuccessful endeavour to gain its support for the policy of "freedom before accession." In the third week of October a second delegation went to Pakistan but while their conversations were in progress the tribesmen invaded Kashmir.

It was only on October 27, 1947, that Sheikh Abdullah took a definite stand on this issue. He asserted that "Kashmir is in dire peril," that the tribal invasion must be opposed, and that it was an attempt on the part of Pakistan to force Kashmir's accession (T. of I. 28.10.47). And yet on October 31st, 10 days *after* the invasion began, Sheikh Abdullah made still another conciliatory move. In his own words:

I . . . request Mr. Jinnah to accept the democratic principle of the sovereignty of people of our State, including as it does 78 per cent Muslims, whose free and unhampered choice must count in the matter of final accession. I request him to use his influence and power to withdraw the invaders. I am ready to come to Karachi to meet him should he so desire (H.T. 2.11.47).

To the writer's knowledge there was no response from Mr. Jinnah in spite of his statement at the end of July, 1947, that

should a State desire to join the Pakistan Dominion or enter into any understanding or a treaty, the negotiating committee of the Pakistan Constituent Assembly, when set up, or the representatives of the Government of Pakistan, as the case may be, will be glad to negotiate the terms on which such association can be brought about (D. 31.7.47).

The Maharaja's procrastination and indecision, which Mountbatten had severely criticized on the eve of Partition, continued during this period of momentous and rapidly-moving events. Writing in the *Spectator* on December 29, 1950, Sir Francis Low noted that "the Maharaja's Government was in no hurry to make up its mind and might have continued in that condition had it not been suddenly faced with a serious crisis" (the tribal invasion). In a similar vein, Mr. Campbell-Johnson wrote on November 10, 1947:

It is probable that nothing short of a full-scale tribal invasion to the gates of his capital would have induced the hesitating Maharaja to accede at all (M.W.M. p. 240).

That the tribal invasion was the catalytic agent leading to Kashmir's accession to India has been suggested not only by Sir Francis Low and Mr. Campbell-Johnson, as noted above. In the words of Sardar Panikkar, ". . . it was only as a last resort that the Maharaja



approached the Dominion of India to accept the accession of his State."<sup>21</sup>

Perhaps the most significant evidence on this question is the letter of the Maharaja to Lord Mountbatten (the Indian Governor-General at the time) on October 26, 1947, wherein he wrote:

. . . With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have *no option* but to ask for help from the Indian Dominion. Naturally, they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government.<sup>22</sup>

Somewhat earlier, reference was made to one of the versions of the Pakistani conspiracy thesis which cited as evidence the role of V. P. Menon (Secretary of the Indian States Ministry) in bringing about the Accession. Besides the conflicting views of the principal parties, the only evidence on this point, as well as on the series of events which culminated in the Accession, is the diary of Lord Mountbatten's Press Attaché.

According to Mr. Campbell-Johnson, the first public reference to the tribal invasion was made by Pandit Nehru on October 24, 1947. The following day, the problem was considered at a meeting of the Indian Defence Committee which favoured the immediate dispatch of troops, as requested on the 24th by the Maharaja's Government. Mountbatten dissented from this view, urging that accession must precede any military action and that "accession should only be temporary prior to a plebiscite." These questions remained undecided, the only concrete decision being to send Menon to Srinagar to clarify the situation. On October 26, Menon returned and

reported that he had found the Maharaja unnerved by the rush of events and the sense of his lone helplessness. Impressed at last with the urgency of the situation, he had felt that unless India could help immediately all would be lost. Later in the day, on the strong advice of V. P. (Menon) the Maharaja left Srinagar with his wife and son . . . The Maharaja also signed a letter of accession which V. P. was able to present to the Defence Committee (M.W.M., p. 224).

In an earlier reference to the Maharaja's indecision at the time of the Standstill Agreement, Mr. Campbell-Johnson related:

Indeed, the States Ministry, under Patel's direction, went out of

<sup>21</sup>A Study of Kashmir and Jammu, 1948, p. 4.

<sup>22</sup>For the full text of this letter see *White Paper on Jammu and Kashmir*, pp. 46-47. (Emphasis mine.—M.B.)

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 (M.W.M., p. 223).

Regarding the legality of the Accession, in the narrow juridical sense of the term, there is no doubt that with the acceptance by Mountbatten (as Governor-General of India) of the Instrument of Accession signed by the Maharaja, Kashmir became an integral part of India. Such a procedure for accession was in accordance with the Partition Agreements. Moreover, it had the sanction of the Muslim League as evidenced by Jinnah's statements of June 17 and July 31, 1947, on the constitutional position of the Indian Princes after the transfer of power (See quotes on pp. 19-20).

The most controversial feature of the Accession was the statement of Mountbatten, in accepting the accession offer, that

it is my Government's (India's) wish that, *as soon as* law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.

As will be elaborated in a subsequent chapter, Pakistan has steadfastly maintained that this stipulation renders the Accession conditional upon the outcome of a plebiscite. In this connection, it should be noted that Mountbatten informed the Maharaja that this "wish" was "in consistence with their (India's) *policy* that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State." It did not in any way affect the *legality* of this Act which was sealed by India's official acceptance of the Instrument of Accession. Furthermore, Mountbatten specifically indicated that this Indian offer to seek the will of the Kashmiri people on the accession issue would be implemented only *after* law and order have been restored in Kashmir and the invaders expelled from the State.<sup>23</sup>

The importance of this fact of legality was to be revealed in subsequent negotiations conducted by the U.N. Pakistan tried to persuade the Security Council that the Accession was illegal and, therefore, that India had no right to dispatch troops to Kashmir. By contrast, India clung to the view that Kashmir was legally a part of

<sup>23</sup>The complete text of Mountbatten's letter accepting the Maharaja's offer of accession, from which the above quotations are taken, is to be found in *White Paper on Jammu and Kashmir*, pp. 47-48. (Emphasis mine.—M.B.)

India; that Pakistan had no *locus standi* in the dispute; and that Pakistan's assistance to the tribal invaders, as well as the entry of regular Pakistani forces into Kashmir in May, 1948, constituted aggression against Kashmir and India. Moreover, New Delhi has persistently stressed the pre-conditions of a plebiscite which Mountbatten stipulated, as noted above—conditions which India contends have not been fulfilled to the present day.

### E. *Diplomatic Impasse*

On the very day that Indian troops arrived in the Kashmir Valley, Mr. Jinnah, the Pakistani Governor-General, invited Lord Mountbatten and Pandit Nehru to a conference in Lahore in an effort to reach a mutually satisfactory agreement. Although the Indian Prime Minister was unable to attend, the conference was held on November 1st; and in spite of its failure to achieve a common approach to the Kashmir dispute, it revealed much about Jinnah's attitude. According to Mountbatten, Jinnah began by criticizing India for failing to inform Pakistan earlier of the Accession and the movement of Indian troops to Kashmir. He further claimed that the Accession was invalid because it was based on violence, to which Mountbatten replied that there had been violence but that it had emanated from the tribesmen and not from India.

Jinnah's first proposal was a simultaneous withdrawal of all armed forces from Kashmir. When Mountbatten inquired as to how the tribesmen could be compelled to withdraw, he reportedly answered: "If you do this, I will call the whole thing off." On the question of a plebiscite, Mountbatten proposed that it should be conducted under the auspices of the United Nations. Jinnah disagreed, suggesting as an alternative that it be carried out jointly by Mountbatten and himself in their capacity as Governors-General of the two Dominions. Mountbatten indicated that this was impossible since neither had the constitutional authority for such a measure and the conference ended in failure.

During the month of November, 1947, Nehru and Liaquat Ali Khan continued their fruitless exchange of charge and counter-charge. It was not until the first week of December that the two Prime Ministers had a personal discussion on the Kashmir problem, at first in Delhi, and then in Lahore. Although the Delhi Conference failed to break the impasse, it did succeed in providing the broad outline of a possible solution which, in part, was later to be included

in one of the Security Council resolutions. In essence, the proposals agreed upon in principle at the Delhi Conference were that Pakistan would make every endeavour to bring about the withdrawal of the tribesmen from Kashmir and a cease-fire on the part of Azad Kashmir forces; India would withdraw the bulk of its troops; and the U.N. was to be requested to send a commission to conduct an impartial plebiscite.

Soon after the Delhi Conference, however, India's position hardened considerably as a result of Patel's report of his visit to the Kashmir front. According to this report, there were large concentrations of tribesmen in the West Punjab (West Pakistan) and an ever-increasing number of atrocities perpetrated by the invaders. The result was complete deadlock at the subsequent Lahore Conference, at which point Mountbatten first suggested a reference to the United Nations.<sup>24</sup> This was favourably received by the Pakistani Prime Minister, and within a few weeks Nehru also was to accept, and act upon, this proposal.

While this phase of the political struggle over Kashmir was gradually coming to a close, military operations continued unabated. Until the end of 1947, however, they were confined to the Poonch and Muzaffarabad regions in the western part of the State. In the north the pro-Pakistani Azad Kashmir Government gained in strength by a *coup d'état* in the Gilgit area, and by the accession to Pakistan of Swat, Dir and Chitral.<sup>25</sup>

In Indian Kashmir the power of the Maharaja was technically still formidable as reflected in the fact that until March, 1948, Prime Minister Mahajan, an appointee of the Maharaja, retained his position alongside Sheikh Abdullah who was officially Head of the Emergency Administration. Nevertheless, this power was considerably tempered by the presence of an Indian Army and by a semi-responsible government under Sheikh Abdullah.<sup>26</sup> So matters stood at the beginning of 1948 when India formally raised the Kashmir dispute before the Security Council.

Before examining the manner in which the United Nations dealt with the Kashmir problem and its repercussions on Indo-Pakistan relations, it is germane to consider the following question: Why were India and Pakistan so vitally concerned with the fate of Kashmir?

<sup>24</sup>This discussion of the diplomatic impasse is based upon *Mission with Mountbatten*, pp. 228-230 and 250-252.

<sup>25</sup>A comprehensive report on the Gilgit coup by a London *Times* correspondent is to be found in the *Statesman*, Calcutta, January 16, 1948.

<sup>26</sup>For a discussion of this dual administration see Chapter VIII, pp. 151-152.

### CHAPTER III

## *The Importance of Kashmir to India and Pakistan*

SOME REFERENCE has already been made to the reaction of the Muslim League and the Indian National Congress, the governing parties of Pakistan and India respectively, to the doctrine of princely freedom of action, inherent in the Indian Independence Act. It was noted in the preceding chapter that whereas Mr. Jinnah unequivocally accepted the full implications of this doctrine, Pakistan played a not-inconsiderable role in the tribal invasion, thereby supporting the use of force to gain the accession of Kashmir. By contrast, the Congress accepted this doctrine reluctantly; yet, on the evidence revealed by Mr. Campbell-Johnson, once having accepted this doctrine, it made no attempt to violate the Maharaja's freedom of decision on the crucial issue of accession.

Thus, while the Muslim League accepted the idea of absolute freedom of decision for the princes, it considered the stakes at issue in Kashmir too great to permit the Maharaja to determine Kashmir's status of his own free will. Indeed, with the passage of time, Pakistan became irrevocably committed to the goal of acquiring Kashmir at any cost. Similarly, while India's attitude to Kashmir was legally correct, it, too, was to find itself vitally concerned with the fate of Kashmir. The consequence has been a six-year-old impasse with a resultant diversion of a major share of the limited resources of both India and Pakistan from constructive enterprise to a long drawn-out and yet-to-be resolved "cold war."

Because of the magnitude of these consequences, it is necessary to analyze what seem to be the principal considerations influencing the policies of India and Pakistan on the Kashmir dispute. In all spheres of social analysis the question of motives is perhaps the most difficult to assess correctly because it is always necessary, but often

very difficult, to distinguish between reality and rationalization. Moreover, in the vast majority of cases the motives cannot be easily separated one from another since they are usually closely interrelated in the minds of the policy-makers, and are very frequently vague and ill-defined even amongst those who are acting in terms of these considerations. To add to the difficulties of analytical clarity, much of the relevant sources remain unpublished, thus denying to the student the "raw materials" which are indispensable to a fruitful analysis of the problem concerned.

For students of international relations, an analysis of motives is rendered even more difficult because the interests involved are of such importance as to affect the destinies of millions of individuals and frequently the very survival of the society itself. Because the stakes are often so great, and because of the increasing participation of the "average man" in all aspects of public affairs, public opinion has become a factor with which policy-makers have to contend. The result, therefore, is that states tend to formulate their objectives and the justification for their policies in a manner which appeals to the aspirations and the sentiments of the mass of its citizens, and world public opinion at large. Actual motives are thus often clothed in verbal niceties which satisfy the needs of public opinion and, at the same time, succeed in concealing the less-inspiring motives from the public mind.

When the dispute is of a current nature and the outcome is still in doubt, states are naturally reluctant to publish the confidential materials without which one cannot ascertain with any measure of finality the mainsprings of their policy. Such is the situation which confronts the student of the Kashmir dispute.

Be that as it may, one can and must attempt to provide some tentative hypotheses about the particular factors which at one stage or another appear to have influenced the actions and policies of New Delhi and Karachi. The data is scanty indeed but on the basis of the statements of responsible public figures in both countries, and with the suggestions of certain writers, it is possible to shed some light on this significant and comparatively-ignored aspect of the dispute.

Without purporting to establish a scale of relative importance, it may be suggested that the outlook of both India and Pakistan was determined by a composite of factors. The principal considerations would seem to be: *security, economics, and ideology and the*

*minority problem.* There were also various minor factors which at different stages seem to have affected their policies with regard to the Kashmir dispute. These may be noted briefly before analyzing the more basic elements.

#### A. *Minor Considerations*

It is difficult to assess the role of prestige in the policies of the principal parties. There is no evidence that this occupied a place of importance in the early stages of the dispute. With the passage of time, however, the two parties have become so completely committed to their position that one of the factors which makes a solution difficult after a six-year deadlock is the feeling that their prestige and honour is at stake.

As early as January, 1948, one Indian commentator anticipated such an apprehension when he said: ". . . compromise or surrender will not only spell disaster for the Jammu and Kashmir State, but will also lower the prestige of the Indian Government in the eyes of the world and demoralize its Army and the people" (A.B.P.11.1.48). More than two years later the Premier of Indian Kashmir expressed the view that "unfortunately both Pakistan and India feel that loss of face prevents them to make the first evacuation (of troops)" (T. of I.1.5.50).

It is well known that the Indian Prime Minister has strong feelings about the fate of Kashmir. It is also known that Pandit Nehru, who was President of the States' Peoples Conference when Sheikh Abdullah was Vice-President of that organization, has long been a keen supporter of the National Conference and a close friend of the present Premier of Kashmir.

The attitude of Pandit Nehru in this regard was revealed during his correspondence with Liaquat Ali Khan towards the end of 1947 on the origins of the Kashmir dispute. The Pakistani Prime Minister accused Sheikh Abdullah of being a "Quisling" who was "bartering away the life, honour and freedom of his (the Kashmiri) people for the sake of personal profit and power. . . ." In reply Nehru stated:

I must express my great regret at the remarks you have made . . . about Sheikh Abdullah. I regard him as a man of high integrity and patriotism. You know well his great influence in Kashmir. All communities look up to him but more specially and naturally the Muslims of Kashmir. He has faced a very difficult situation with

remarkable courage and ability. . . . It would be improper in every way for us not to consult him in any matter relating to Kashmir State.<sup>1</sup>

As for Nehru's attachment to Kashmir, the following extract from his address to the Indian Constituent Assembly on September 7, 1948, is pertinent:

May I take the House into my confidence? In the early stages . . . I was so exercised over Kashmir that if anything had happened or was likely to have happened in Kashmir, which according to me, might have been disastrous for Kashmir, I would have been heart-broken. I was intensely interested, apart from the larger reasons which the Government have, for emotional and personal reasons; I do not want to hide this: I am interested in Kashmir.<sup>2</sup>

Of the other relatively minor factors, which pertain to Pakistan's outlook on the Kashmir dispute, the first may be defined as the need to placate the tribesmen who had long been a serious element of disturbance under British rule and were now under the authority of the newly-established Pakistan State. In the opinion of Richard Symonds, a prominent student of Pakistan, one of the reasons for the relative peace in the tribal areas "has been the diversion of their interest and activity to Kashmir."<sup>3</sup>

Pakistan's concern with the tribesmen and its connection with Pakistani policy *vis-à-vis* Kashmir was reflected on various occasions by leading spokesmen and officials. The most revealing comment on this relationship is contained in the memorandum of the Commander-in-Chief of the Pakistani Army, dated April 20, 1948, which was quoted extensively by Foreign Minister Zafrullah Khan at the Security Council in discussing Pakistan's decision to dispatch regular troops to the Kashmir front. In the words of General Gracey:

An easy victory of the Indian Army . . . particularly in the Muzaffarabad area, is almost certain to arouse the anger of the tribesmen against Pakistan for its failure to render them more direct assistance and might well cause them to turn against Pakistan.

In the same "appreciation of the military situation" General Gracey pointed to still other considerations which either influenced Pakistani policy or provided a suitable rationalization for its later actions *vis-à-vis* Kashmir.

<sup>1</sup>*White Paper on Jammu and Kashmir*, pp. 65-66.

<sup>2</sup>J. Nehru: *Independence and After*, Ministry of Information and Broadcasting, New Delhi, 1949, p. 95.

<sup>3</sup>*The Making of Pakistan*, p. 121.



Recommendations: 7. If Pakistan is not to face another serious refugee problem with about  $2\frac{3}{4}$  million people uprooted from their homes; if India is not to be allowed to sit on the doorsteps of Pakistan to the rear and on the flank . . . ; if the civilian and military morale is not to be affected to a dangerous extent; and if subversive political forces are not to be encouraged and let loose within Pakistan itself, it is imperative that the Indian Army is not allowed to advance beyond the general line Uri-Poonch-Naushahra (S/P.V. 464, 8.2.50, p. 36).

There are some writers who suggest that Pakistan desired to use the Kashmir dispute to strengthen its position in the Commonwealth. Although this lies in the realm of pure speculation, Lord Mountbatten's Press Attaché referred to what would seem to be a by-product of Pakistan's security consciousness. On November 10, 1947, Mr. Campbell-Johnson wrote in his diary:

I have for some time felt that one of the major objectives of Jinnah's policy has been to keep this issue (Kashmir) at the boil and if possible to tease India out of the Commonwealth, leaving Pakistan as the "Northern Ireland" of the sub-continent (M.W.M. p. 242).

### *B. Security and Economics*

Indian and Pakistani statesmen, particularly the latter, have frequently indicated an interest in the unique strategic location of Kashmir and its possible bearing on the defence of their respective countries, as well as the added value which the possession of Kashmir would give to their world-wide strategic position. Moreover, the Pakistanis have placed great stress on the economic implications of the Kashmir dispute.

Evidence of India's interest in Kashmir's strategic location is to be found in the following extract from Pandit Nehru's cable to Prime Minister Attlee on October 25, 1947:

Kashmir's northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the U.S.S.R. and China. Security of Kashmir . . . is vital to security of India especially since part of southern boundary of Kashmir and India are common. Helping Kashmir, therefore, is an obligation of national interest to India.<sup>4</sup>

Exactly one month later the Indian Prime Minister reiterated this view to the Constituent Assembly in the following words: "We were of course vitally interested in the decision that the State would take (regarding Accession). Kashmir, because of her geographical position with her frontiers with . . . the Soviet Union, China and Afghanistan,

<sup>4</sup>*White Paper on Jammu and Kashmir*, pp. 45-46.

is intimately connected with the security and international contacts of India.”<sup>5</sup>

While Pandit Nehru did not elaborate upon this strategic factor, it would appear that his primary concern was with India’s position as a Central Asian power rather than with the danger to the security of India arising from the possession of Kashmir by a hostile power. India severed of Kashmir would cease to occupy a pivotal position in the geo-political map of Central Asia. Of this connection one Indian commentator has said:

Strategically, Kashmir is vital to the security of India; it has been so ever since the dawn of history. Its northern provinces give us direct gateways to the North-Western Province of Pakistan and Northern Punjab. It is India’s only window to the Central Asian Republics of the U.S.S.R. in the north, China on the east and to Afghanistan on the west. Out of the five gateways opening into the geographic entity called India—Quetta, Gumal and Kurram Valleys, Khyber and Chitral—the last one, in Kashmir, is the most easily accessible and at the lowest altitude.<sup>6</sup>

As for Kashmir’s economic importance, Indian spokesmen were generally reticent. On one of the few occasions that Nehru mentioned Kashmir as an economic asset, he did so, as in the case of Kashmir’s strategic value, in the context of India’s role as a Central Asian state. Thus, in the very same speech in which he referred to the security factor, the Indian Prime Minister informed the Constituent Assembly: “Economically also, Kashmir is intimately related to India. The caravan trade routes from Central Asia to India pass through the Kashmir State.”

The leaders of Pakistan have made more frequent and pointed references to the security implications of Kashmir’s strategic location and its economic importance to Pakistan. Perhaps the most instructive official statement of their emphasis on these factors is to be found in the Pakistani Foreign Minister’s recapitulation of his country’s case before the Security Council on February 8, 1950. Because of the importance of the issues raised, and the clarity of the presentation, the relevant passages of this statement are reproduced verbatim (S/P.V. 464, 8.2.50, pp. 4-8) :

*Security:*

“India’s security would not be affected one ounce by the accession of Kashmir to Pakistan. . . . On the other hand . . . the two

<sup>5</sup>*Independence and After*, p. 60.

<sup>6</sup>*Caravan*, New Delhi, February, 1950, Kashmir Issue, No. 41, p. 67.

## THE IMPORTANCE OF KASHMIR

main strategic road and railway systems of West Pakistan" run parallel to Kashmir. "The whole of the defence of that area . . . is based upon the fact that this line would not be threatened from the flank. If Kashmir acceded to India, the whole of that flank would be threatened . . . and broken . . . India would obtain direct access to the tribal areas and, through (them), on to Afghanistan. Pakistan's position would become absolutely untenable. Again from the point of view of defence, quite as many as 10,000 Pakistan soldiers are drawn from certain areas of the Kashmir State, mainly Poonch."

This theme of Kashmir's strategic value to Pakistan was echoed by Liaquat Ali Khan in the summer of 1951 when the tension over Kashmir had reached such a dangerous point that open war was considered imminent. In the course of an interview with David Lilienthal he stressed the strategic consideration in the following words:

Kashmir is very important, is vital to Pakistan; to India it is what you might call a luxury; with us it is a vital necessity of our survival. Kashmir, as you will see from this map, is like a cap on the head of Pakistan. If I allow India to have this cap on our head, then I am always at the mercy of India. Then the sacrifices of millions will have been in vain.

The very position—the strategic position of Kashmir—is such that without it Pakistan cannot defend itself against an unscrupulous government that might come in India. . . .<sup>7</sup>

### *Economics:*

#### *Trade:*

The whole of the timber produce of the State passed through and was marketed and sold in Pakistan . . . there is no other means of conveying that timber out of Kashmir. (Moreover, 20 to 25 per cent of the Kashmir Government's revenue was derived from the sale of timber. Fresh fruits and vegetables, too) obviously went to Pakistan and could not go elsewhere. (As for woollens and carpets), the largest sale of these was in the West Pakistan area.

So far as Kashmir's imports are concerned, Pakistan used to supply to Kashmir all its official civil supplies, at any rate, soap, rock salt, grain, pulses, cotton and petrol.

#### *Canal Waters:*

The three rivers—Indus, Jhelum and Chenab—which flow from Kashmir into Pakistan, control to a very large extent the agricultural

<sup>7</sup>D. Lilienthal: "Another 'Korea' in the Making?" in *Colliers*, New York, August 4, 1951, p. 57.

economy of Pakistan itself. The economy of the whole of West Pakistan is based almost entirely upon its irrigation system, that is to say, upon the application of scientific methods to make the water of these rivers available for purposes of agriculture. . . . *If Kashmir were to accede to India, this supply would be cut off altogether.* This is not an idle apprehension on the part of West Pakistan. (He then related that India had cut off the water supply to the West Punjab, part of Pakistan, in April 1948 and declared) Assume, for one moment, that Kashmir were to accede to India. . . . Nineteen million acres would be turned into a waste, and millions of people would be faced with starvation and extinction. That is an economic factor the like of which cannot be produced in a comparable case anywhere else.

Zafrullah Khan concluded this survey with the following significant remark which may shed some light on Pakistan's attitude to the Kashmir dispute:

The possession of Kashmir can add nothing to the economy of India or to the strategic security of India. On the other hand, it is vital for Pakistan. If Kashmir should accede to India, Pakistan might as well, from both the economic and the strategic points of view, become a feudatory of India or cease to exist as an independent sovereign State. That is the stake of the two sides; these are the considerations.

Although these comments cannot be evaluated conclusively, a few relevant observations may be offered:

It is impossible to determine to what extent these factors actually influenced the policy of Pakistan *vis-à-vis* Kashmir and in what degree they served as debating material to secure the sympathy of the Security Council. In personal conversations with prominent Pakistani officials, the security and economic factors noted above were stressed as being paramount in Pakistan's concern for the future status of Kashmir. Indian officials, however, tended to discount them and conveyed their conviction to this writer that such concern was unwarranted and, indeed, that such issues as canal waters, which both parties consider an important source of conflict, and the fear for the security of West Pakistan, emphasized by Zafrullah Khan, had no relationship to the dispute over Kashmir.

The question of Kashmir's strategic value to Pakistan (or India) lies in the realm of speculation and any appraisal of the above — noted contentions would depend on one's basic assumptions regarding the power aspirations of India. However, even if one assumes

that India desires the reunion of the sub-continent, by force if necessary—as Pakistani spokesmen have frequently contended—it would seem that Kashmir would play but an insignificant role, if any, in the implementation of such a scheme. The topography of the State and the primitive means of communication make it unlikely that an attack on Pakistan would be launched from Kashmir.

This view is based primarily on the manner in which the Indian army was transported to Kashmir in the fall of 1947. The mass air operation, necessitated by the lack of even a single all-weather road, would seem to question the view that if India were ever to attack Pakistan, it would do so by the most tortuous route which links the two countries. By contrast, the absence of a natural frontier on the eight hundred mile border separating West Pakistan from India proper would seem to make that region the most likely area of hostilities.

As for the trade relations of Kashmir with India and Pakistan, the available data are rather scanty. Official Kashmiri statistics for the year 1944-1945 reveal that the total value of imports was approximately 58 million rupees, but since this was prior to the partition of the sub-continent, there is no breakdown with regard to the direction of trade.<sup>8</sup> During his survey of Kashmir's trade, the Pakistani Foreign Minister made broad assertions, except for the specific reference to timber. The Indian delegate, however, cited figures which he stated were compiled from official records. According to Benegal Rau, "46 million rupees worth of goods (were imported by Kashmir) from the areas now included in India and 12 million . . . from the areas now included in Pakistan." In 1945-1946, the comparable figures, he said, were 47 and 9 million rupees; and in 1946-1947, they were 59 and 12 million. Finally, he declared that the figures for exports from Kashmir during these three years were 80 per cent to India and 20 per cent to Pakistan. He conceded, however, that since India was a single country in that period, the statistics could not be precise. "To that extent the figures are a matter of opinion" (S/P.V. 466, 10.2.50, pp. 9-10).

The relationship between the Canal Waters problem and the Kashmir dispute will be analyzed in the concluding chapter.

Economically, Kashmir is one of the least developed regions in the sub-continent but there is some evidence of the existence of rich mineral deposits. In 1923 the first comprehensive geological survey

<sup>8</sup>*Administration Report of the Jammu and Kashmir State for S/2001.* (April 13, 1944 to April 12, 1945), Jammu, January, 1946. Table V, pp. 42-3.

was conducted by a British firm of consulting engineers at the request of the Maharaja. According to this survey, the Reasi district of Jammu Province contains large, high-quality deposits of bauxite and coal, as well as magnesium and some iron. Indeed,

Analysis proves it to be one of the richest and purest aluminium areas in the world, and it has been proved to exist in large quantities available at low costs.

This discovery was ignored at the time but since the formation of Sheikh Abdullah's administration in 1948 increasing attention has been devoted to the exploitation of these resources. Indications of this interest are to be found in the Kashmir Government's Six Year Plan for economic development, announced in 1951, which allots twenty crores of rupees (200 million) out of a total of twenty-seven crores for the extraction of these mineral deposits (H.T. 19.6.51).

More recent surveys have also revealed considerable quantities of iron, copper, lead, zinc and manganese, the largest concentration being in the Reasi district. Moreover, there is some evidence of petroleum, large quantities of lignite ore as well as a number of non-metallic minerals. All this prompted the Kashmir Planning Committee to suggest that

The Reasi area contains wealth which if exploited, can be of immense value not only to Jammu and Kashmir, but in view of the fact that some of the minerals are scarce in India, and have value as defence metals, also to India.<sup>9</sup>

If this be true for India, it is even more true for Pakistan, which lacks almost all of the raw materials necessary for the industrialization of its economy. India is more fortunate in this respect but it too could undoubtedly benefit from the acquisition and exploitation of Kashmir's mineral resources. Moreover, Kashmir contains the potentialities for large-scale hydro-electric power plants, which are also indispensable for industrialization and the raising of living standards throughout the sub-continent.

Both India and Pakistan have refrained from publicizing the economic potentialities of Kashmir perhaps because this would have seriously jeopardized their case at the bar of world public opinion.

<sup>9</sup>These quotations are taken from Government of Jammu and Kashmir: *Short Term Plan for the Development of Jammu and Kashmir State*, Srinagar, 1951, pp. 84 and 90.

However, it would appear that among the factors which influence their policies and explain their intense concern about the fate of Kashmir is the great wealth, albeit undeveloped, which is contained within the mountains and valleys of the State.

Sir William Barton has alluded to this economic consideration in the following words:

Pakistan has no coal or industries of any consequence; if she is to develop her military and economic potential she must build up industries on a large scale. In the absence of an adequate coal supply, the only course is to develop power from hydro-electric installations; for these she must depend largely on the rivers of Kashmir.

Also of interest in this connection is the reported statement of the former Inspector-General of Forests in undivided India: "without Kashmir's forests, Pakistan will be washed off the forest map of India."<sup>10</sup>

### C. *Ideology and Minorities*

To appreciate the ideological factor it is necessary to bear in mind the diametrically-opposed conceptions of the nature of the partition of India since, to this day, they provide the theoretical basis for the overall policies pursued by New Delhi and Karachi in their relations with each other.

For Pakistan the very act of partitioning the sub-continent represented a *de jure* recognition of the validity of Mr. Jinnah's two-nation theory. In its most succinct form this theory contends that within the boundaries of undivided India there existed two distinct nations, Hindu and Muslim, whose cultures, social customs and religions were fundamentally different. Therefore, these two "nations" could not possibly co-exist in a single territorial unit. According to this view, the Partition recognized this assumed incompatibility by dividing the sub-continent along communal or "two-national" lines.<sup>11</sup>

That such an outlook has dominated the thinking of Pakistani leaders is illustrated by Liaquat Ali Khan's frequent reference to the

<sup>10</sup>As quoted by P. N. Dhar: "The Kashmir Problem: Political and Economic Background," in *India Quarterly*, New Delhi, vol. 7, no. 2, April-June, 1951, pp. 156 and 160.

<sup>11</sup>The most complete exposition of the two-nation theory is to be found in Jamil-ud-Din Ahmad (ed.): *Some Recent Speeches and Writings of Mr. Jinnah*, Muhammad Ashraf, Lahore, Vol. I, 1943, Vol. II, 1947.

two-nation theory during his visit to America in 1950.<sup>12</sup> That it also had some bearing on Pakistan's attitude to the Kashmir dispute is reflected in the following comments of Mr. M. A. Gurmani, the Pakistani Minister for Kashmir Affairs until November, 1951:

Kashmir is an article of faith with Pakistan and not merely a piece of land or a source of rivers . . . We are fighting for Kashmir on the same principle as that on which we fought for Pakistan. We took a solemn vow that we would secure for all areas of the sub-continent where Muslims were in the majority, the fundamental right of self-determination (P.T. 14.1.49).

The constant reiteration of this theme by Pakistani spokesmen would make it appear that the security and economic considerations discussed earlier were supplemented by the need to terminate once and for all the unresolved controversy over the ideological implications of the Partition. Since Pakistan itself was based upon the historically-novel two-nation theory, the struggle for Kashmir provided a further test case for the validity of this theory. Conversely, the theory itself served as one of the bases for the Pakistani claim to Kashmir. As a logical corollary of the two-nation theory, it was argued that since approximately 3/4ths of the population of Kashmir was Muslim, and since the Partition itself was based upon the division of the sub-continent along Hindu-Muslim lines, Kashmir therefore belonged to Pakistan "by right."

For India, the ideological challenge posed by the Kashmir dispute is also serious for, although the partition of the sub-continent seemed to vindicate Jinnah's conception of nationalism, Indian leaders have never accepted the validity of the two-nation theory. Typical of New Delhi's attitude, and its concern about the ideological implications of the Kashmir problem, is the following statement by Pandit Nehru soon after his return from a visit to America. With reference to American "misunderstanding" on Kashmir, he told a press conference on November 16, 1949:

One . . . misunderstanding, not only in the U.S. but also in other parts of the world was that the Partition of India was viewed as if the Moslems and non-Moslems of India had been completely separated on a religious basis, that is to say, as an outcome of the old Moslem

<sup>12</sup>Liaquat Ali Khan: *Pakistan: The Heart of Asia*, Harvard University Press, Cambridge, 1950. Particularly pp. 28, 56-58, 72-73, 80, 96-97, 118.



League's or Mr. Jinnah's theory of two nations. So far as we are concerned, we never accepted that theory; we repudiated it throughout.<sup>13</sup>

Kashmir is important to India as an element of strength for its secularist conception of the Partition. In post-partition India only Kashmir possesses a predominantly Muslim population with a Muslim leadership but with an ideology which rejects the two-nation theory and which is dedicated to the creation of a democratic state on secular foundations.

The importance of this ideological consideration has also been stressed by Kashmiri spokesmen. Thus, for example, Sheikh Abdullah placed special emphasis on this factor when he asserted in Delhi at the beginning of 1948:

While Kashmir remained out of Pakistan with its overwhelming Muslim majority, it continued to expose the fallacy of his (Jinnah's two-nation) theory and challenge the soundness of the very basis on which Pakistan was formed (T. of I. 21.2.48).

It is important to note that *after* the Partition about 40 million Muslims continue to reside in India. This fact has led Indian spokesmen to question the validity of the two-nation theory and has been raised to deny the Pakistani thesis of Kashmir as a purely communal issue. Typical of India's view on this question is the following remark of Benegal Rau during his restatement of India's case before the Security Council on March 1, 1951:

The Kashmir question is not a Hindu-Muslim question as so often represented or misrepresented . . . Even after the separation of Pakistan, India still has a Moslem population of some 40 millions—the third largest of any state in the world. (After Indonesia—70 millions, and Pakistan—66 millions) (S/P.V. 533, 1.3.51, p. 6).

Related to this ideological conflict is the serious practical problem confronting India, namely that of ensuring psychological and, indeed, physical security to its Muslim population.

Much light was shed on this Indian concern by the following comment of the late Deputy Prime Minister, Sardar Patel, in reply to the question—Why does India not make a concession on the Kashmir problem?—

Appeasement of the Muslims prompted the assassination of Gandhi . . . what will happen if we weaken over Kashmir or if a

<sup>13</sup>*Indlagram* (daily bulletin of the Indian High Commission to the United Kingdom) November 17, 1949.

plebiscite is decided against us and one million Hindus are driven out? Not only the assassination of Nehru, but also reprisals against the . . . Muslims in India.

This statement of Patel led Mr. Lionel Fielden to the view:

that, I think, is the real crux of India's position . . . this question of eventual repercussions and reprisals will have to be very carefully considered (*The Listener*, 30.4.50).

Almost four years after the Kashmir dispute began, Pandit Nehru referred to the communal problem in India and its relationship to the Kashmir dispute in his presidential address to the Indian National Congress: ". . . Kashmir has become the living symbol of that non-communal and secular State which will have no truck with the two-nation theory on which Pakistan has based itself" (H.T. 19.10.51).

As for the possible role of this ideological factor in India's outlook on the Kashmir dispute, Sheikh Abdullah suggested on February 14, 1952:

India will never concede the communal principle that simply because the majority in Kashmir are Muslims, they must be presumed to be in favour of Pakistan. If she does that, her whole fabric of secularism crashes to the ground.

## CHAPTER IV

### *The Kashmir Dispute Before the Security Council in 1948\**

IN AN EFFORT to gain world sympathy for its cause, India invoked Article 35 of the United Nations Charter on January 1, 1948, and accused Pakistan of complicity in the tribal invasion of Kashmir. More specifically, it charged that Pakistan was

giving transit to the invaders;  
allowing them to use Pakistan as a base of operations;  
supplying them with military equipment and transport; and  
permitting Pakistani nationals to participate in the fighting as well as to train the tribesmen.

On the basis of these allegations, India requested the Security Council to call upon Pakistan to desist from all such activities in the future (Text: S/628, 2.1.48).

Pakistan replied in a lengthy memorandum, submitted two weeks later, the very day the Security Council began its deliberations on the Kashmir question. Emphatically rejecting the Indian charges, it seized the offensive and lodged a series of sweeping counter-charges against its neighbour. These included

a persistent attempt to undo the Partition scheme;  
a pre-planned and extensive campaign of genocide against the Muslims in East Punjab and the Punjab princely States;  
an unlawful occupation of Junagadh and neighbouring States;

\*All references to United Nations documents in this book will be designated by the letter system utilized by the U.N. itself. Thus, *Security Council Documents* will be indicated by S/ and *Verbatim Records of the Security Council* (meetings) by S/P.V., with the appropriate number and date.

Moreover, the *page references* from S/P.V. 226-240, January 15–February 4 1948, which provide the primary source for this chapter, are taken from *Security Council Official Records*, Third Year, Nos. 1-15.

the acquisition of Kashmir's accession "by fraud and violence"; the failure to fulfil its obligations under the Partition Agreements; all this with the object of "the destruction of the State of Pakistan" (Text: S/646, 15.1.48).

The Council "took note" of India's complaint at its meeting of January 6th. However, in deference to Pakistan's request, it postponed formal consideration of India's charges in order to give Foreign Minister Mohammad Zafrullah Khan sufficient time to reach Lake Success and to prepare Pakistan's defence before the Council.

The Indian delegation was led by Gopaldaswami Ayyengar, a former Prime Minister of Kashmir, who later held the States and Defence portfolios in the Indian Government and who, until his death in February, 1953, was one of the chief Indian spokesmen on the Kashmir dispute. Assisting him was M. C. Setalvad, Attorney-General of India at the time.

#### A. *The Indian Case*

The principal feature of India's case, as it unfolded before the Security Council in the early months of 1948, was its *microscopic* approach to the dispute over Jammu and Kashmir. Throughout the prolonged deliberations of the Council, India's spokesmen concentrated their attention almost exclusively on the tribal invasion of Kashmir, generally assumed to have begun in force on October 21, 1947, and Kashmir's accession to India five days later. These two events constituted the core of India's submission to the United Nations and, in its view, provided the indispensable background to an understanding of the Indo-Pakistan conflict over Kashmir.

It would appear that India's strategy was to narrow the scope of the issue under consideration by the Security Council and, within the context of the Invasion and Accession, to demonstrate the validity of the following propositions:

(1) that Pakistan aided and abetted the incursion of tribesmen into Kashmir;

(2) that such encouragement and assistance to the tribal invaders constituted aggression against India insofar as Kashmir had acceded to India on October 26, 1947, and had therefore become an integral part of the Indian Dominion;

(3) that Kashmir's accession to India was a legal and binding act, which gave India the right to dispatch regular armed forces to

Kashmir, indeed, imposed the obligation of defending Kashmir against the tribesmen;

(4) that in contrast to Pakistan's efforts to secure the accession of Kashmir by any means, including economic blockade, propaganda and assistance to the tribal invaders, India's actions *vis-à-vis* Kashmir were above reproach, its primary motive being to enable the Kashmiris to exercise their right of self-determination on the accession issue.

Indian delegates reiterated these hypotheses ceaselessly, with particular emphasis on Pakistan's role in the tribal invasion. Both documentary evidence and eye-witness accounts were produced to prove its charges, in the expectation that once the facts were presented the Security Council would condemn Pakistan's activities and use its influence to terminate this "threat to international peace and security . . ."

In his opening statement to the Security Council, on January 15, 1948, Ayyengar revealed a facet of India's case which was to be reiterated on numerous occasions. He referred to the Indo-Pakistan negotiations over Kashmir in the autumn of 1947 and declared:

No one with knowledge of the course of these negotiations could fail to have been impressed by the transparent good faith, the sincerity and the honesty of our endeavour to reach a settlement; and that settlement would have been reached but for the intransigence . . . which the Government of Pakistan have unfortunately exhibited in this connection.<sup>1</sup>

The Indian delegate then surveyed, with conspicuous brevity, the geographic, administrative and demographic divisions of Kashmir, its historical background, the domestic political scene, with but a passing reference to the movement for responsible government, and Kashmir's constitutional status at the time of the partition of India.

This was followed by an equally brief exposition of India's version of the events which culminated in the tribal invasion and Kashmir's accession to India. Of these events and Pakistan's role therein, he said: "A closer examination would reveal to any impartial body of men that there was a definite method, a calculated plan, which was being followed." In referring to the strained economic relations between Kashmir and Pakistan after the signing of the Standstill Agreement on August 15, 1947, he asserted: "The economic blockade

<sup>1</sup>The quotations from Ayyengar's initial submission to the Security Council are taken from S/P.V. 227, January 15, 1948.

of Kashmir was an essential part of the plan to coerce Kashmir into acceding to the Dominion of Pakistan."

Thereafter, the Indian spokesman described the early advance of the tribal invaders, with quotations from eye-witness accounts of their atrocities, and reproduced the texts of the correspondence between the Maharaja of Kashmir and Lord Mountbatten relating to the Accession. As for the Pakistani allegation that India obtained the Accession by resort to violence, he declared: "The Government of India had in fact no plans to send any military assistance to Kashmir before October 25, 1947." In substantiation of this view he referred the Council to a document prepared by the British Chiefs of Staff of the Indian Armed Forces.

At this point Ayyengar turned to India's principal accusation, namely that Pakistan had encouraged and assisted the tribesmen from the very inception of the Invasion. With regard to the transit allegedly granted by Pakistan, he cited an eye-witness account of a British foreign correspondent, as well as a letter from a British officer of the Pakistani Army. As for supplies, he referred to the heavy weapons at the disposal of the tribesmen and argued that these could only have been made available by Pakistani armouries. Uniforms and petrol, he asserted, could also be explained only in these terms, and he produced some documentary evidence to prove that vehicles utilized by the invaders were made and/or acquired in Pakistan. He concluded this aspect of his statement by quoting from remarks made by Pakistani leaders to indicate the existence of a Jihad (holy war) campaign for the "liberation" of Kashmir.

It is of some interest to note that the Indian spokesman refrained from a direct accusation of Pakistani aggression. During his presentation of India's case, Ayyengar tended to chide Pakistan for its "error" in aiding this provocative action against India; he never categorically stated that India considered Pakistan an aggressor. Indeed, India took pains, at this stage, to distinguish sharply between Pakistan and the tribal invaders. Illustrative of this differentiation were the following remarks: ". . . we still continued to hope that Pakistan would . . . adopt a friendly and co-operative attitude and help us in ridding Kashmir of these pestilential invaders."

In concluding his opening statement, the Indian delegate declared:

We have referred to the Security Council a simple and straightforward issue . . . The withdrawal and expulsion of the raiders and

the invaders from the soil of Kashmir and the immediate stoppage of the fight are . . . the first and the only tasks to which we have to address ourselves.

Ayyengar's statement to the Security Council was followed by Zafrullah Khan's brilliant and unprecedented five-hour defence of Pakistan's case. Then M. C. Setalvad addressed the Council for India, presenting its case with considerably more effectiveness than his colleague.

Obviously distressed by the forceful presentation of Pakistan's defence, and disconcerted by Zafrullah Khan's debating ability, the second Indian speaker remarked bitterly:

I have and can have no quarrel with the length of his speech. The speech has, I think, also established a record for the calculated venom of its attack on India, for the irrelevancy of much of its contents to the subject under debate, for the deliberate omission of relevant matters; and for its clever distortion of facts.<sup>2</sup>

Setalvad vehemently denied Pakistan's charge of genocide in the Punjab, citing as evidence the peaceful existence of some 35 million Muslims in India *after* the partition of the sub-continent, Muslim representatives in the Indian cabinet, parliament, diplomatic corps, etc. He rejected Zafrullah Khan's explanation of the causes of communal violence and countered with the charge that

the root cause of these massacres and killings . . . is to be found in the continual preaching of hatred of one community by Muslim leaders for a number of years. The reprehensible propaganda was essential to and inseparable from the ideology on which the Muslim League founded itself. The Muslim masses have been continually fed and nurtured on this doctrine of hatred . . .

Indeed, he argued, the actual sequence of communal riots was the very opposite of that suggested by Pakistan's spokesman. Incited by the Muslim League's ideology of hate, he declared, the Muslims of Bengal began the most disastrous series of communal riots in Indian history by perpetrating the "Great Calcutta Killing" of August, 1946. This was followed by riots in Noakhali, Bihar and later in the Punjab, culminating in the mass migration and communal carnage immediately after the Partition.

Like the preceding Indian speaker, Setalvad placed special emphasis on the tribal invasion in an effort to focus the attention of

<sup>2</sup>The quotations from Setalvad's statement to the Security Council are taken from S/P.V. 232 and S/P.V. 234, January 23, 1948.

the Security Council on the Kashmir dispute *per se*. This was reflected in his comments on the relationship of the Pakistani genocide charge to the Kashmir problem:

In our view, the story of these happenings all over India . . . are totally irrelevant to the issue now existing between India and Pakistan in regard to Jammu and Kashmir . . . We submit that these events and the causes which led to them are altogether beside the point. We say that they have been introduced into the answer filed on behalf of the Government of Pakistan and into the speech delivered by its representative merely in order to confuse what we regard as a very clear issue . . . The one issue, and the prime issue, before the Council is the issue relating to the invasion of Kashmir.

A large portion of Setalvad's speech was devoted to this "very clear issue" and to an elaboration of India's principal accusation, namely "that Pakistan has rendered these invaders direct and indirect assistance." Perhaps the most forceful specific charge cited in this connection was that Pakistan "has permitted warlike passage to these invaders through its territory." The mere existence of tribesmen in Kashmir, he declared, proves Pakistan's complicity in the Invasion for "they have had to travel at least 100 miles through Pakistan territory to get into Kashmir. Is it conceivable," he asked, "that these large forces or hordes of tribesmen could go through Pakistan territory in this manner, and be maintained in Kashmir, without the co-operation of the State of Pakistan?"

With regard to the Pakistani contention that Kashmiri Muslims were in danger of extermination, he retorted: "That is the picture which it has been sought to present to the Council and which I say is a wholly untrue one. Kashmir had no disturbances at all when both East and West Punjab were in the flames of these communal passions and disturbances." As for the Pakistani charge of conspiracy in the events leading to the accession of Kashmir to India, Setalvad quoted extensively from the speeches of Sheikh Abdullah, demonstrating that throughout the month of October, 1947, the leader of the National Conference stressed "freedom before accession" and refused unreservedly to countenance accession to either India or Pakistan until responsible government had been realized. Moreover, the Indian delegate asserted that the decision to accede to India was a direct by-product of the tribal invasion.

It has been noted that the primary goal of India's submission to the United Nations, as enunciated by its spokesmen before the Security Council, was the termination of military operations in



Kashmir (See pp. 58-59). The importance which India attached to this objective received further expression on January 27, 1948, when, along with Pakistan, it submitted draft proposals to the President of the Security Council on the appropriate methods of solving the Kashmir dispute.

These documents are of major significance for a fruitful understanding of the Kashmir problem because the proposals contained therein provide clarity and insight into the approach of India and Pakistan to the entire dispute. Moreover, in substance, their suggestions remained unchanged throughout the lengthy period of U.N. deliberations and mediation efforts. The points of difference, so conspicuous in these—the earliest concrete proposals of the two parties—represented the principal stumbling blocks to an agreement on the conditions necessary for an impartial plebiscite. For these reasons the proposals submitted by India and Pakistan in this early stage of U.N. intervention should be noted with considerable care. At this point, however, only the Indian proposals will be treated; the Pakistani counter-suggestions will be noted in the subsequent analysis of the Pakistani case before the Security Council.

In India's view, "The first objective to be achieved is the stoppage of fighting and the termination of military operations in the Jammu and Kashmir State."<sup>3</sup> As for the method of attainment, India suggested that

The Government of Pakistan should use all its efforts to stop the fighting in Jammu and Kashmir by persuading the tribesmen and others now in the State territory, who have invaded Kashmir, to withdraw from that territory; it should further prevent the passage through Pakistan territory of such invaders . . . deny the use of such territory for operations against the State (of Kashmir) and also refuse supplies and other material aid, direct and indirect, to such invaders.

Once "fighting has ceased" and the invaders have withdrawn, "the next objective should be the restoration of peace and normal conditions." To bring about this desired state of affairs, India proposed that all Kashmiri citizens who fled the State during the war should be invited to return and to exercise their rights as citizens; that all political prisoners should be released; that "Legitimate political activity" should be permitted; and that there should be no victimization.

<sup>3</sup>The complete text of these Indian draft proposals, from which the following quotations are taken, is to be found in S/P.V. 236, January 28, 1948, pp. 266-267.

It added, however, that the security of Kashmir must be ensured during the interval between the termination of hostilities and the holding of a plebiscite, and that "so long as the State remains acceded to India, the Government of India is responsible for its defence." Therefore, while the size of Indian forces in Kashmir would be reduced after the cease-fire,

it will be necessary to maintain Indian troops of adequate strength to ensure not only protection against possible future attacks from outside, but also for giving support to the civil power when required in the preservation of law and order.

As will be observed in the subsequent discussion of U.N. mediation efforts, the retention of Indian forces in Kashmir remained a fixed condition of India's acceptance of any demilitarization programme, the basic prerequisite of a plebiscite.

As for the domestic political scene, India suggested that the then-existing Emergency Administration should be transformed into a responsible ministry under the Prime Ministership of Sheikh Abdullah. The final stage in India's programme for a solution of the Kashmir dispute involved the procedures for a plebiscite. The steps envisaged were "the convoking of a National Assembly based upon adult suffrage . . .," the formation of a national government based upon the National Assembly and finally, the holding of a plebiscite *by the national (Kashmiri) Government* "under the advice and observation of persons appointed by the United Nations."

In analyzing these proposals it is important to stress India's attitude to three fundamental issues, for it was over these issues that the cleavage between the Indian and Pakistani approach to the Kashmir dispute becomes most apparent. It should also be noted that these proposals were the logical concomitants of India's basic hypothesis about this dispute.

*Withdrawal of troops from Kashmir:* Since Kashmir had acceded to India on October 26, 1947, India had assumed responsibility for its defence. Therefore, "adequate" Indian troops must remain in Kashmir to guarantee its security, not only during the interval between the cessation of hostilities and the holding of a plebiscite, but also during the plebiscite itself. Moreover, since Pakistan had aided the invasion of a foreign state, it must use its influence to secure the withdrawal of *all* the tribesmen and Pakistani nationals who participated in this invasion. Later, India was also to insist on the *total withdrawal* of regular Pakistani forces who had entered Kashmir in

May, 1948, and the disbandment of the Pakistani-equipped and officered Azad Kashmir Army. As a *quid pro quo*, it later agreed to remove the *bulk* of Indian troops from Kashmir.

*Interim Government in Kashmir:* The only feasible solution, in India's view, was the continuation of Sheikh Abdullah's Emergency Administration for this regime was appointed by the constitutional authority of the State. It was only a National Assembly, freely elected by the Kashmiris, that could later establish a fully responsible Government of Kashmir.

*Role of the U.N. in a plebiscite:* New Delhi maintained that the plebiscite must be organized and conducted by the legally-constituted Government of Kashmir, the role of the U.N. to be confined to advice and observation. Ayyengar contended that there was no precedent for the replacement of an existing state government by an "international authority" during the holding of a plebiscite and saw no reason why there should be an exception in the case of Kashmir. Moreover, he asserted that such a procedure would encroach upon the sovereignty of Kashmir and was therefore beyond the authority of the United Nations.

One further comment needs to be made concerning the presentation of India's case. In contrast to the able presentation of Pakistan's Foreign Minister, the Indian delegation failed to portray its case effectively. Indeed, it has been suggested that this was a significant factor causing India's initial severe defeat at the U.N., as will be demonstrated in the analysis of the Security Council's early resolutions on the Kashmir dispute. According to the Press Attaché of Lord Mountbatten,

Some of this trouble has sprung from the failure of the Indian delegation to make its mark . . . quite apart from its actual merits (the Indian case) had been abominably presented, and . . . nearly every canon of Public Relations procedure had either been violated or neglected . . . Even the Indian Press was obliged to print large indigestible chunks of Ayyengar's speeches three or four days after they had been delivered . . . Moreover, the Pakistan delegate was their Foreign Minister, Zaffrullah Khan, an experienced and popular practitioner in United Nations dialectic, who was as suave and smooth as the Indian delegates were awkward and angular (M.W.M. pp. 287, 290).

Among the errors committed by Ayyengar in his opening statement to the Council, the following are the most noteworthy:

(a) Although India's complaint to the U.N. was raised in the

form of Pakistan's alleged complicity in the tribal invasion, India's delegate failed or was unwilling to condemn Pakistan as a *de facto* aggressor. Indeed, as noted earlier, he took great pains to differentiate sharply between Pakistan and the raiders, and by focussing the attention of the Council on the tribesmen as the culprits in the case, he lost considerable debating effectiveness in his efforts to secure the Council's condemnation of Pakistan *per se*.

(b) Although India had offered to seek the will of the Kashmiris on the accession issue from the very beginning—in its acceptance of the Maharaja's offer of accession on October 26, 1947—Ayyengar made the mistake of repeating too often, in one speech before the Council, that India accepted the principle of a plebiscite as the ultimate determinant of Kashmir's status. In his effort to impress the Security Council, the Indian delegate reiterated time and time again:

I would invite the attention of the members of the Security Council to the high-principled statesmanship characteristic of the Government of India under its present leadership. In accepting the accession they refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should finally be settled by plebiscite as soon as peace had been restored. They have subsequently made it quite clear that they are agreeable to the plebiscite being conducted if necessary under international auspices (S/P.V. 227, p. 20).

In arguing thus he may have gained the temporary sympathy of the Council but this was to be drowned in the flood of words which was to follow during the five months debate in 1948. Moreover, this line of argument produced serious adverse consequences of a more permanent nature. It raised doubts in the minds of the Security Council members about the legality of the Accession, doubts which were fully exploited by Pakistan's Foreign Minister. By stressing the plebiscite, Ayyengar was to weaken the Indian complaint of Pakistan's alleged aggression. By making it appear that India itself regarded the Accession as a temporary act, he created the impression that the tribal invasion, while important, was not the decisive issue, merely the *casus belli* for a state of affairs which could only be terminated by an internationally-controlled plebiscite. In short, Ayyengar created an opening wedge by stressing the plebiscite, an opportunity which the Pakistani Foreign Minister was quick to seize and use as a point of departure for his broad approach to the Kashmir dispute.

(c) Closely related to this defect in Ayyengar's presentation was his failure to emphasize the legality of the Accession. Although the

legal nature of Kashmir's Accession served as a foundation of India's approach to the entire dispute, he failed to convince the Security Council that the Accession was a legally binding act. He said so on some occasions but never proved his point by referring to the procedure laid down in the Partition (of India) Agreements.

The most glaring example of this error is to be found in his resumé of the events leading to the accession of Kashmir to India. After reading the complete text of the Maharaja's offer of accession and Mountbatten's acceptance, he focussed the attention of the Council on India's "high-principled statesmanship" in proposing a plebiscite, instead of emphasizing the legal character of the Accession and stressing the fact that Mountbatten's reference to the will of the people was a decision of the Indian Government, not an integral part of the acceptance of Kashmir's accession offer. In so doing, he made it appear as if the Accession was absolutely conditional upon the results of a plebiscite.

(d) Being utterly convinced of the righteousness of India's case, Ayyengar paid insufficient attention to documentary verification of his charges. He seemed to have assumed that its case was so patently irrefutable that he merely restated India's charges and added such vague unconvincing phrases as "it is not my desire to overburden this statement with details." By so doing, he may have given the impression that India's charges were insufficiently grounded in facts. What is most certainly true is that his comparatively meagre documentary evidence was inadequate to score a decisive debating victory, and weakened the force of India's case, particularly when contrasted with Zafrullah Khan's liberal use of newspaper reports, eye-witness accounts, radio broadcasts, etc. The second Indian speaker, Setalvad, gave indications of trying to fill this lacuna but by the time Pakistan's Foreign Minister had completed his reply to Ayyengar's opening statement, the damage had been done, and India was never to regain the initiative in the debates of the Council.

(e) Ayyengar's reluctance to cite details was most conspicuous in his scanty remarks about Sheikh Abdullah and the National Conference. Although India was to remain steadfast in its contention that only the Emergency Administration, formed by the National Conference, could serve as the Interim Government, Ayyengar failed to convince the Security Council of the importance of the National Conference, the largest political party in Kashmir.

Setalvad, too, proved incapable in this respect. When summarizing the domestic political constellation in the 1930's, he said: "In 1938, the National Conference was founded, of which Sheikh Abdullah became the leader"; further, that "there was and is another body in the State called the 'Muslim Conference'" (S/P.V. 234, 23.1.48, p. 210). By stating it in this form he failed to demonstrate that the National Conference was an outgrowth of the original Muslim Conference; indeed, he created the impression that Abdullah was never associated with the Muslim Conference when, in fact, he was one of its prominent founders, and, therefore, that he was not truly representative of Kashmir's Muslims who comprised 78 per cent of the population in 1947.

(f) Although India had taken the initiative in raising the Kashmir dispute before the Security Council, as the appropriate agency for the solution of such problems, it tended to dictate its conditions on some occasions and frequently expressed its bitterness at the Council's response to the Indian and Pakistani presentation of their case. Thus, for example, during a debate on the measures to end the hostilities, the Indian delegate declared:

What India is prepared to accept with regard to this part of the case—and I wish to insist that India is not prepared at this moment to accept anything less—would be something along the following lines . . . (S/P.V. 234, 3.2.48, pp. 325-6).

### B. *The Pakistani Case*

The principal characteristic of Pakistan's case before the Security Council was its attempt to place the dispute over Jammu and Kashmir in as broad a context as possible. In sharp contrast with Ayyengar, the Pakistani Foreign Minister adopted the view that the origins of the Kashmir problem were to be traced, not to the tribal invasion *per se*, but to the series of events leading to the partition of India and its aftermath, particularly the communal riots of 1946-1947. Indeed, argued the Pakistani spokesman, the tribal incursion itself was merely a by-product of this tragic upheaval.

This basic difference in outlook became apparent very early in the U.N. debate for, at the conclusion of Ayyengar's opening statement to the Council on January 15, 1948, Zafrullah Khan asserted:

The issue does not appear to us to be either as simple or as straightforward as the representative of India has tried to make out . . . and it will be necessary to set out before the Security Council the whole background of this Kashmir problem (S/P.V. 227, p. 31).

Two days later, he gave more positive expression to this view by declaring:

What is happening in Kashmir is a continuance of the process which has reached its culmination in the State of East Punjab (the communal riots) and cannot be divorced from it (S/P.V. 229, p. 117).

Along with the effort to divert the attention of the Security Council from the tribal invasion to the communal riots, Zafrullah Khan attempted to widen the scope of the issue under U.N. consideration. In this approach Kashmir was portrayed merely as one of the numerous points of friction arising from the partition of the sub-continent which required U.N. mediation.

Pakistan's Foreign Minister stressed this view from the very beginning of the U.N. debate and, throughout this first stage in the battle for world opinion, he tried to focus the attention of the Council on the overall relations between India and Pakistan.

In his effort to achieve this goal, Zafrullah Khan found an unexpected ally in Ayyengar for, on January 22, 1948, the Indian delegate remarked:

There is no doubt that the Security Council now has before it both the Jammu and Kashmir question and situations other than this question which have been brought to the attention of the Security Council by Pakistan (S/P.V. 231, 22.1.48, p. 161).

The Council, too, acquiesced in this approach as evidenced by its decision of January 22nd to alter the title of the issue under consideration from "The Jammu-Kashmir Question" to "The India-Pakistan Question," thereby giving U.N. sanction to the Pakistani view of the actual scope of their dispute.

Having scored this major debating victory, Zafrullah was able to assume the offensive and to chide India for its persistent pre-occupation with the Kashmir dispute to the exclusion of Junagadh, genocide, etc. Abandoning his previous submissive tone—"the point which I desire to have established . . .", he declared:

The delegation of India has refused throughout to look at the problem as a whole . . . They forget that the whole problem of the restoration of peace in Kashmir, and the restoration of friendly relations between India and Pakistan, is before the Security Council (S/P.V. 244, 11.2.48, pp. 18-20).

In the light of this broad conception it was perhaps natural that Zafrullah Khan began his statement to the Security Council with a

survey of the historical background to Partition. At first, he sketched the constitutional and demographic features of the sub-continent under British rule. Then, with special emphasis on the existing friction between Hindus and Muslims, he described its internal political configuration during the decade prior to 1947, centering about the Congress-Muslim League conflict over the nature and form of an "Independent India."

These introductory remarks were followed by an exhaustive account of the communal riots, the tragedy which in Pakistan's view set in motion the forces which were to have serious repercussions on Kashmir. Boldly conceived and effectively presented, this analytical survey brought into sharp relief the essence of Pakistan's defence against India's charge of *de facto* aggression. It is noteworthy, too, because it provides considerable insight into various secondary facets of Pakistan's case and illustrates the debating ability of Zafrullah Khan.

Throughout this phase of his initial submission to the Security Council, the Pakistani Foreign Minister stressed the "human element" involved in the communal upheaval. This allusion, hardly likely to incur the displeasure of the Council, found its most acute expression in the grave counter-charge of genocide against the Muslims of East Punjab and the Punjab princely States. Quoting extensively from eye-witness and newspaper accounts, Zafrullah elaborated this charge fervently and dramatically, as illustrated by the following comment:<sup>4</sup>

The Muslim population in these States . . . has been entirely wiped out by this time, either by massacre or by forcible expulsion . . . Kapurthala had a majority of Muslims in its population—some 235,000. Today, there is not a single Muslim left in Kapurthala. Oh, no, I am mistaken; it has been pointed out to me that two were left. Two, not two thousand, not two hundred—but two out of 235,000.

In Zafrullah's view it was this human misery which explains much about the subsequent developments *vis-à-vis* Kashmir. And, indeed, whether or not his contention is valid, it was the communal tragedy which provided the historical framework for Pakistan's defence before the Security Council. By emphasizing the human factor and the "natural" reaction of Muslims all over the sub-continent to the calamity suffered by those in the Punjab, the Pakistani spokesman

<sup>4</sup>All quotations from the Pakistani Foreign Minister's initial statement to the Security Council are taken from S/P.V. 228 and 229, January 16 and 17, 1948.



was able to provide a plausible explanation for almost everything that followed in connection with Kashmir.

The importance of this "human approach" in Pakistan's case is most vividly revealed by an analysis of the diverse purposes it sought to achieve:

(a) To avoid the question of aggression, so vital an issue in India's complaint to the U.N.

It is immaterial (Zafrullah Khan remarked), who was the victim and who was the aggressor. It is immaterial whether there was provocation or no provocation. All these events, on whichever side they occurred, were degrading and shameful.

(b) To minimize the question of legal rights in Kashmir, the second fundamental issue in India's submission to the U.N.

(In the words of the Pakistani spokesman) . . . the issues involved are not merely legal and constitutional or even political. There is a very large human background which it will be very necessary for the Security Council to appreciate before the members bring their minds to bear upon the concrete questions that need to be resolved and decided.

(c) To explain the participation of Pakistani nationals in the Kashmir War.

If (declared Zafrullah), when they go home on leave, these (Pakistani) officers or men find that their people are being massacred or persecuted, and if some of them take a hand in whatever is going on, it is nevertheless not a case of allowing them to go on leave in order to take part in the fighting . . . what would any human being do under those circumstances? . . . There is a big human question involved quite apart from technicalities and legalities.

(d) To defend prominent Pakistani officials who had actively incited the tribesmen and Pakistani nationals to proceed to Kashmir:

In these circumstances . . . it is true that some of the provincial ministers have given expression to utterances from which it would have been wise to refrain. Nevertheless, one hopes that even when they become ministers they do not cease to be human beings . . . To expect . . . that because he is a minister a Muslim should not give expression even to his sympathy or to his wishes, is to expect either what would be more than human or what would be less than human.

(e) To account for the mass killings of Hindus and Sikhs in West Punjab:

It is only fair to add that, when the horrors started in East Punjab (India) and Muslim refugees . . . told the details of their suffering to

their West Punjab brethren, in West Punjab (Pakistan) the Muslims rose against the non-Muslims. Massacres took place, looting took place, stabbings took place; burnings took place.

(f) To rationalize the incursion of tribesmen into Kashmir:

In order to appreciate what subsequently started in Kashmir, it is necessary to remember that these events had happened and were continuing to happen. (This produced a desire for vengeance against Hindu and Sikh atrocities which, combined with the lure of loot, compelled them to participate in the struggle to "liberate" Kashmir.)

The grave charge of genocide also served more positive purposes in Pakistan's case before the Security Council. It enabled Zafrullah Khan

(a) To ridicule Ayyangar's charge of tribal and Pakistani atrocities in Kashmir—by terming them trivial in comparison with the carnage in East Punjab and the resultant migration of six million Muslims to Pakistan.

(b) To cast aspersions on India's sincerity *vis-à-vis* Kashmir—by accusing the Indian Government of encouraging Hindu and Sikh extremism, thereby demonstrating a marked anti-Muslim policy. Obviously, then, he argued, New Delhi's actions in Kashmir, with an overwhelming Muslim population, could not be free from genocidal tendencies.

(c) To accuse the Maharaja of plotting the extermination and/or expulsion of Kashmiri Muslims in order that Kashmir might be transformed into a Hindu majority area and his desired accession to India facilitated. He charged that the Maharaja's regime initiated a campaign of anti-Muslim violence with the result that "life became impossible for Muslims in this area, and hundreds of Muslims from these and surrounding villages were compelled to leave their ancestral homes." Incensed by these atrocities, Zafrullah went on, the Pakistani Government began to protest to Srinagar but with little effect.

One further facet of Pakistan's case before the Council merits some attention, namely the charge that the Maharaja and India refused to co-operate in any proposed peaceful solution of their disagreements. According to Zafrullah Khan, Pakistan took the initiative and suggested peaceful negotiations on seven occasions—without avail.

(1) The Joint Secretary of Pakistan's Foreign Ministry was sent to Srinagar early in October, 1947, but "the Prime Minister of Kashmir did not extend to him even the courtesy of discussing the situation."

(2) On October 15, 1947, the Maharaja's Government requested an impartial inquiry into the whole question. To this Pakistan agreed and appointed its representative but Kashmir never did so, and thereafter, he asserted, forgot its own proposal.

(3) On October 20th, the Governor-General of Pakistan invited Kashmir's Prime Minister to Karachi for conversations but this too was turned down. (In this connection it will be recalled that the Pakistani-supported tribal invasion of Kashmir began on October 21st, just one day after this invitation for peace talks was extended, and may explain as well why Srinagar failed to appoint a representative to the "impartial inquiry" cited by Pakistan's Foreign Minister.)

(4) Mr. Jinnah invited Lord Mountbatten and Pandit Nehru to a conference in Lahore. The Indian Prime Minister was unable to attend because of illness but Mountbatten did go to Lahore on November 1st for a meeting of the Joint (Indo-Pakistan) Defence Council, which was established under the provisions of the Partition Agreements. In the course of informal conversations, as noted in the discussion of the "Diplomatic Impasse" in Chapter II, Jinnah proposed the following concrete measures to solve the dispute: a cease-fire to be proclaimed by the two Governors-General, the withdrawal of Indian forces and the tribesmen, and the organization of an impartial plebiscite by the two Governors-General. Mountbatten declared that this was beyond his constitutional powers, and Nehru later rejected the plan. (In this context it is also relevant to recall the remark ascribed to Jinnah by Mountbatten's Press Attaché, namely, "if you (Mountbatten) will do this, I will call the whole thing off," i.e., the tribal invasion.)

(5) On November 10, 1947, Liaquat Ali Khan invited Nehru to Lahore for a "discussion of outstanding questions." The Indian Prime Minister replied that it was impossible for him to leave Delhi because of important party conferences to be followed by a session of the Indian Constituent Assembly.

(6) On November 16, 1947, the Pakistani Prime Minister suggested that

The whole dispute should . . . be brought before the bar of international opinion. We are ready to request the United Nations immediately to appoint its representative . . . in order to put a stop to fighting and repression of Muslims in the State, to arrange the problem of withdrawal of outside forces, set up an impartial administration of the State until a plebiscite is held, and undertake the

plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession.

To this series of proposals Nehru replied as follows:

(a) *Termination of hostilities*—this could only be accomplished by a forceful ejection of the raiders, since the United Nations has no troops.

(b) *Impartial administration*—“We are convinced that Sheikh Abdullah’s administration is based on the will of the people and is impartial.”

(c) *Plebiscite*—India itself proposed such a method of solution to be held “under international auspices such as those of the United Nations.”

(7) On December 16, 1947, Pakistan’s Prime Minister reiterated his desire to reach a peaceful solution of all matters in dispute between India and Pakistan. He added that the Kashmir dispute “can only be solved by an act of statesmanship in the light of the basic realities of the situation”—by which he meant an implementation of his proposals of November 16, 1947. India’s reply was to inform Karachi that it had decided to submit the issue to the United Nations.

From this lengthy critique of India’s alleged sins of omission and commission, the Pakistani Foreign Minister finally turned to a refutation of India’s charges. He categorically denied Pakistani complicity in the tribal invasion and rejected, without disproving, the specific Indian charges that Pakistan had supplied transport, petrol, arms, uniforms, training facilities, bases and transit to the tribal invaders.

Zafrullah Khan restated the fundamentals of Pakistan’s case on January 24, 1948, essentially in the same terms as those already analyzed. In concluding his remarks, he referred to Pakistan’s draft proposals for a solution of the Kashmir dispute which were first formally presented to the Council on January 27, 1948. Although conspicuously brief, this document provides the clearest and most precise summary of its proposed solution at that time.

It takes as the point of departure the assumed agreement of both parties that the accession issue should be decided by a plebiscite “to be held under international authority, control and responsibility . . . ,” and that “such plebiscite should be organized, held and supervised under the authority and responsibility of the Security Council.” In

view of this agreement, Pakistan suggested that the United Nations Commission for India and Pakistan (UNCIP), which was created by a Security Council resolution on January 20, 1948, should arrange the following:

- (a) The establishment of an *impartial* interim administration in Jammu and Kashmir;
- (b) The withdrawal of *all* armed forces from the State;
- (c) The return of all residents of Kashmir who left or were forced to flee during the disturbances;
- (d) The holding of a plebiscite.<sup>5</sup>

In order to clarify the differences in the approach of India and Pakistan to the Kashmir dispute, differences which manifested themselves throughout the subsequent five and a half years, it is important to compare these Pakistani proposals with those of India, also submitted to the Security Council on January 27, 1948.

*Cessation of Hostilities and a Plebiscite:* Although both parties frequently expressed their approval of a plebiscite, there existed a fundamental disagreement on its role in the solution of the Kashmir dispute. In India's view, as already noted, the primary objective was the withdrawal of the raiders and the termination of hostilities—the indispensable conditions to any further steps leading to a plebiscite. Pakistan, too, expressed a desire for the termination of military operations but claimed that this could be achieved, not by further bloodshed, but only by reasonable guarantees to the tribesmen and Azad Kashmiris that maltreatment would end. And this, claimed Zafrullah Khan, could only be accomplished by assuring them that an internationally-controlled plebiscite would be held to enable the people of Kashmir to express their views on the accession issue.

*Interim Government in Kashmir:* Indian spokesmen stressed the fact that Sheikh Abdullah was the most popular political leader in Kashmir and argued that his Emergency Administration, transformed into a responsible cabinet, would be the most representative interim government for the state. They claimed, moreover, that Sheikh Abdullah's regime had legal sanction insofar as it was appointed by the then legally-constituted Government of Kashmir.

With both of these contentions the Pakistani Foreign Minister sharply disagreed. Although he never questioned Sheikh Abdullah's

<sup>5</sup>For the full text of these draft proposals see S/P.V. 236, January 28, 1948, pp. 267-268.

personal popularity, Zafrullah Khan expressed the opinion that the Muslim Conference, which favoured accession to Pakistan, was much more popular than the National Conference.

Regarding the legal claim put forward by India, the Pakistani delegate replied on two levels: (a) an attack on the legitimacy of the Maharaja's Government, and (b) a rejection of the legality of the Accession. He questioned the legality of the Maharaja's regime by noting that it originated in the infamous Sale Deed of Kashmir, as embodied in the Treaty of Amritsar of 1846, thus cleverly adopting the same view as that presented by Sheikh Abdullah in initiating the "Quit Kashmir" movement of 1946. Moreover, he contended that the Kashmir War was merely the latest phase of a lengthy revolt against Dogra injustice. How then, he asked, can the Maharaja's Government be considered legal and legitimate, and a revolt against tyranny a mere disturbance by rebels—particularly when these "insurgents" have their own Government, an army, and have occupied about half of the territory of the State?

*Role of the U.N. in the Plebiscite:* It has already been noted that in India's view a plebiscite should be organized and conducted by the existing Government of Jammu and Kashmir, the role of the U.N. to be confined to "advice and observation." Ayyengar defended this view by arguing that there was no precedent for replacing an established government by an international authority for purposes of a plebiscite, and that he saw no reason why an exception should be made in the case of Kashmir.

The Pakistani delegate, however, persisted in his demand that a plebiscite be organized and fully controlled by the U.N., urging this as absolutely indispensable for impartiality. He argued that Sheikh Abdullah's Emergency Administration was partisan in its attitude to Accession and therefore could not be expected to conduct an impartial plebiscite.

*Withdrawal of Armed Forces:* This issue was very closely related to the plebiscite and, indeed, was still another by-product of the fundamental disagreement between India and Pakistan over the Invasion and the Accession. As already noted, India demanded the withdrawal of *all* tribesmen and Pakistani nationals supporting Azad Kashmir; as for India's forces, it insisted that an "adequate" number must remain in the State to ensure the defence and security of Kashmir which had become an integral part of India by virtue of the Accession.

Pakistan, on the other hand, denied that an "invasion" had

occurred, and claimed that the Accession was secured "by fraud and violence." For these reasons it envisaged the problem in totally different terms. The central issue, in its view, was an impartial plebiscite to determine the wishes of the people. A basic pre-condition for such a plebiscite, it argued, was the termination of hostilities which could only be achieved, in its opinion, by the withdrawal of all armed forces, including Indian troops. Moreover, in its view, the Accession was invalid and Kashmir is not a part of India; therefore, India had no right to maintain, or even to dispatch troops to Kashmir. Only when all troops were withdrawn, Pakistan contended, could normal conditions be restored and an impartial plebiscite be held.

These were the practical issues that were to plague U.N. efforts to secure agreement on the implementation of the mutually agreed-upon plebiscite. Only the first has thus far been completely resolved, by virtue of the Cease-Fire Agreement of January 1, 1949. With the passage of time, as the subsequent analysis of U.N. mediation efforts will reveal, the central focus of attention was to be, and still is, the issue of demilitarization, i.e. the withdrawal of forces from Kashmir. It should be stressed, however, that these three questions—withdrawal of troops, interim Government in Kashmir, and the role of the U.N. in a plebiscite—are inextricably intertwined, and that they are the manifestations of the basic disagreement in the interpretation of the origins of the dispute, especially the tribal invasion and the Accession of Kashmir to India.

### C. *The Security Council Response*

The first step taken by the Security Council was in the nature of a holding-action. On January 6, 1948, the President of the Council sent an "urgent appeal" to India and Pakistan to maintain the *status quo* in Kashmir. Eleven days later, immediately after Zafrullah Khan had completed his opening statement, this appeal was reiterated in a resolution which called on the principal parties

. . . to refrain from making any statements and from doing . . . or permitting any acts which might aggravate the situation;

. . . to inform the Council immediately of any material change in the situation which occurs or appears . . . to be about to occur while the matter is under consideration by the Council . . . (Text: S/651, 17.1.48).

Sponsored by the Belgian representative, this resolution was passed on January 17th by a vote of 9 to 0, the U.S.S.R., and the Ukraine abstaining.

The abstention of the U.S.S.R. was due, not to its disagreement with the contents of the resolution, but to its view that since the Resolution of January 17th merely repeated the Council President's appeal of January 6th, "such a gesture by the Security Council is of little use." As an alternative, it proposed further study and the adoption of a resolution "as soon as possible on the substance of the question. . . ."

On the same day, at the suggestion of the British delegate, the Council President was requested to hold discussions with the Indian and Pakistani representatives in an effort to "find . . . some common ground on which the structure of a settlement may be built" (S/P.V. 229, p. 125).

More positive action was taken by the Security Council three days later when, by an identical vote, it passed a second resolution sponsored by the Belgian representative, who was President of the Council at the time. The Resolution of January 20th provided for the establishment of a three-member U.N. Commission, one selected by India, one by Pakistan, and a third by the two members so designated.<sup>6</sup> This Commission was invested with a dual function: "To investigate the facts pursuant to Article 34 of the Charter"; and "To exercise . . . any mediatory influence likely to smooth away difficulties, (and) to carry out the directions given to it by the Security Council . . ."

The principal significance of this resolution lay in the *scope* of the Commission's activities. In addition to the Kashmir dispute, in India's view the sole issue under U.N. consideration, the Commission was instructed to exercise the above-mentioned functions with regard

<sup>6</sup>It was because of their opposition to this method of selecting the members of the Commission that the U.S.S.R. and the Ukraine abstained from voting on the resolution. The Soviet delegate argued that a Commission composed in the proposed manner "would appear formally to be a Security Council commission, but it would really be quite independent of the Security Council, and would act without any reference to the latter, as the connection between it and the Security Council would exist only on paper." As an alternative he suggested a commission composed of some or all of the States represented on the Security Council. He added that his disagreement with the resolution referred "only . . . to the principle on which it is suggested that the commission should be established." S/P.V. 230, January 20, 1948, pp. 140-141. It is worth noting that this proposal was to be raised again, in December, 1949, in the Czech minority report to the final report of the U.N. Commission. The other members of the Council welcomed the resolution wholeheartedly. See S/P.V. 230, pp. 133-139.



to the "other situations" raised by the Pakistani Foreign Minister, namely genocide, Junagadh, non-fulfillment by India of its obligations under the Partition Agreements, etc. Herein, then, was to be found the first concrete expression of the Council's acquiescence in Zafrullah Khan's attempt to secure U.N. intervention over the entire field of Indo-Pakistan disputes (Text: S/654, 20.1.48).

Of considerable interest as well was the fact that Pakistan's efforts to enlarge the scope of U.N. intervention was achieved with the full agreement of India's delegate. In introducing this resolution, the Belgian delegate noted that it was submitted "also on behalf of both the parties, who have signified their approval" (S/P.V. 230, 20.1.48, p. 129). By accepting this resolution India's representative not only conceded one of the cardinal theses of Pakistan's case, but also provided the Pakistani Foreign Minister with an opening wedge for the further exploitation of his approach to the dispute. Zafrullah Khan seized this opportunity and used Ayyengar's blunder to score a debating victory which was to have far-reaching consequences.

It was during the debate on the Resolution of January 20th that this opportunity arose. Zafrullah informed the Council that both parties had agreed to the omission of any specific reference to "the Jammu and Kashmir question" in the heading of the resolution, erroneously inserted in the draft circulated among the members. Ayyengar, apparently not perceiving Zafrullah's objective—to enlarge the scope of U.N. intervention—and not fully appreciating the significance of the broad scope of the Commission's activities—all Indo-Pakistan disputes—provided in the resolution, replied emphatically, ". . . whether or not we retain the words 'on the Jammu and Kashmir question' in the heading . . . the resolution can relate only to the Jammu and Kashmir question. I thought that was clearly understood." He did, however, fall into the trap by unsuspectingly agreeing to this deletion.

In conceding this point, Ayyengar seemed to be so concerned with the "substance" of the issue—as he understood it—that he failed to realize the importance of such verbal modifications. Indeed, his concession on the proper title of this resolution, and his acceptance of the broad scope of the Commission's activities, "with a view to arriving at an agreed arrangement," proved to be a serious error and resulted in a major propaganda victory for Pakistan.

This became evident on January 22, 1948, when, over the serious objections of India, the Security Council decided to alter the item

on its agenda from the "Jammu and Kashmir Question" to the "India-Pakistan Question." During this debate the British and Soviet delegates were favourable to India's view, while the representatives of Syria, Argentine and Colombia were markedly pro-Pakistan, calling for a "consideration of all the points in the India-Pakistan problem" (S/P.V. 231, 22.1.48, pp. 144-164).

This seemingly innocuous semantic change, which was carried in the world press, was a logical by-product of the provisions of the January 20th Resolution, and served Pakistan's primary purpose of enlarging the scope of the issue under U.N. consideration.

This decision of the Council represented a Pakistani victory in still another sense for the very title "India-Pakistan Question" implied that both States were *equal* parties to the dispute, a proposition which Zafrullah Khan sought to establish as fact from the very beginning of the U.N. debate. Indeed, so determined was the Pakistani Foreign Minister to attain a status of equality that a few weeks later he was to assert:

Even the problem of Kashmir has been raised before the Security Council not by India alone but by both India and Pakistan (S/P.V. 244, 11.2.48, p. 21).

India, by contrast, rejected this claim, and in spite of Ayyengar's concession on this point, was to insist throughout the subsequent five and a half years that Pakistan had no *locus standi vis-à-vis* Kashmir. The significance of these sharply conflicting views on Pakistan's "equality" *vis-à-vis* the Kashmir dispute will become apparent during the analysis of the various U.N. mediation efforts. All of the U.N. mediators – the Commission, McNaughton, Dixon and Graham – were confronted with Pakistan's persistent claim to equality with India, and the latter's equally steadfast insistence that Pakistan had no legal right to participate in the plebiscite. Indeed, the attitude of both countries to all of the practical problems involved in a solution was the direct by-product of their views on the question of Pakistan's legal status.

Much light was shed on the views of the Council members by the debate on the Indian and Pakistani draft proposals of January 27, 1948. As already noted, the former emphasized the cessation of hostilities while the latter stressed the plebiscite, and so the question arose as to which should have priority in the Council's deliberations.

The discussion was opened by the British delegate, Noel-Baker, who emphatically supported the Pakistani view:

In my conception (he declared) infinitely the best way to stop the fighting is to assure those who are engaged in it that a fair settlement will be arrived at under which their rights will be assured. In other words . . . Only when the combatants know what the future holds for them, will they agree to stop (S/P.V. 236, 28.1.48, p. 283).

The Belgian delegate suggested that "the question of priority should not arise" since both issues "are two aspects of the same problem" and tried to reconcile the diametrically-opposed views of India and Pakistan by submitting two resolutions simultaneously. The first called for a plebiscite to be "organized, held and supervised under its (the Council's) authority." The second instructed the Commission to consider "that, among the duties incumbent upon it, are included those which would tend towards promoting the cessation of acts of hostility and violence . . ." (Texts: S/661, S/662, 29.1.48).

Of the seven Council members who commented on these resolutions, all but one expressed their approval. In supporting the resolutions, the U.S. delegate declared: "No one wants to see a superior force sent into the Kashmir area to drive out the invaders of that area." Of considerable interest as well was the French spokesman's reference to the "Indian Government's undertaking to make Kashmir's accession conditional on a plebiscite," a proposition which India has steadfastly rejected (Quotations: S/P.V. 237, 29.1.48, pp. 286, 289, 292).

The British representative, too, emphasized the plebiscite—under U.N. control. Moreover, he openly acknowledged Pakistan's equality of status, and reaffirmed his belief that the *tribesmen* were entitled to consideration as a party to the Kashmir dispute.

On February 4th, Mr. Austin gave more concrete expression to the view that assurances of an impartial plebiscite and interim government had to be given to the tribesmen in order to secure their withdrawal from Kashmir.

How is it possible (asked the American delegate) to induce the tribesmen to retire from Jammu and Kashmir without warfare and without driving them out? That is the only way it can be done, unless *the tribesmen are satisfied* that there is to be a fair plebiscite assured through an interim government that is in fact, and that has the appearance of being, non-partisan . . . (S/P.V. 240, 4.2.48, p. 369). (Emphasis mine.—M.B.)

Not unnaturally, Pakistan was favourably inclined to the Belgian draft resolutions of January 29th and Zafrullah Khan accepted them

“in the light of (the) observations” of the Council members as noted above (S/P.V. 240, p.365). India, on the other hand, was shocked, as is apparent from Ayyengar’s bitter and caustic remarks:

We put that issue (the termination of hostilities) in the forefront of our own proposals for a settlement. What we tried to do has apparently been brushed aside. We attempted to propose something concrete . . . that has been passed over. Instead, there is a draft resolution before the Security Council which is, if I may say so, without offence, innocuous in the extreme. I say that deliberately, because what does it attempt to do? (He then commented sarcastically on the vague references in the draft resolutions to the need for ending the fighting—“among the duties incumbent on the Commission,” “tend toward promoting” the termination of hostilities). “Are we,” he asked, “nearing the solution of the immediate problem, the cessation of hostilities . . .? Is this not an illustration of our trying to fiddle here while India is burning?” (S/P.V. 237, 29.1.48, pp. 295-296).

Criticism of India’s position became even more apparent during the discussion of its request for an adjournment in order to return to New Delhi for consultations. On February 11, 1948, the British representative raised serious objections to this proposal in the following words: “I find it difficult to believe that in the early days of the League of Nations . . . the Council of the League would ever have agreed to such a course” (S/P.V. 244, 11.2.48, pp. 67-70). The Colombian representative, supported by the Syrian delegate, echoed this criticism in even more severe terms: “It is something that, in my opinion, threatens the very stability of the authority of the Security Council” (S/P.V. 245, 11.2.48, pp. 12-15).

India was shocked at the manner in which its request for adjournment had been treated by the Council, as demonstrated by Ayyengar’s sharp protest:

. . . the Government (of India) . . . have not elicited at the hands of the Security Council the consideration to which they are entitled . . . I have been too much twitted today by the unnecessary and very unjustified suspicion and reluctance with which this innocent request for an adjournment was made to you (S/P.V. 245, pp. 81, 91).

Nehru himself was bitter and angry. On February 15th he expressed his feelings in Jammu in the following words:

Instead of discussing and deciding our references in a straightforward manner, the Nations of the world sitting in that body got lost in power politics . . . It is neither the realities of the situation nor the ability with which a case is put forward that weigh with these Powers (T. of I., 16.2.48).

During the next five weeks, in the absence of the Indian delegation, the Security Council concerned itself with aspects of the dispute other than Kashmir, i.e. the various counter-charges which had been raised by Pakistan in its letter of January 15, 1948. This, too, was criticized by India's Prime Minister.

I must confess that I have been surprised and distressed at the fact that the reference we made (i.e. Kashmir) has not been even properly considered thus far and other matters have been given precedence.<sup>7</sup>

The Council then returned to the Kashmir issue and, on March 18, 1948, the Chinese delegate submitted a draft resolution. In essence, Mr. Tsiang's proposals, which were more favourable to India than the discarded Belgian draft resolutions of January 29th,

called on Pakistan to desist from any further aid to the tribesmen; permitted India to maintain part of its armed forces in Kashmir *after* the fighting ceased in order to ensure security and law and order;

called on the Interim Government of Kashmir to add representatives of major political parties (i.e. Azad Kashmir);

provided for the establishment of a separate plebiscite machinery—as a formal branch of the Kashmir Government—to be directed by an appointee of the U.N. Secretary-General; moreover, although deriving its authority from the Kashmir Government, it would have complete independence in its work (Text: S/699, 18.3.48).

As might have been expected, India was favourably inclined to this draft resolution.

. . . Mr. Tsiang's draft resolution of March 18th was a valiant attempt at a just compromise . . . It broke away courageously from the January-February ruts of argument and opinion . . . it was by no means above justifiable criticism from our side . . . (Nevertheless) I straight away accepted it in substance . . . (S/P.V. 285, 19.4.48, pp. 3-4).

Pakistan, however, was severely critical. Two days after the resolution was submitted, *Dawn* expressed the hope that

the Security Council will show the same sense of realism as it did before and in that light view the Chinese attempt at "compromise" by granting one party almost everything and the other party nothing.

The Chinese proposals came to naught perhaps because, as Campbell-Johnson suggested, Mr. Tsiang had "not waited to gain

<sup>7</sup>J. Nehru: *Independence and After*, p. 81.

wider sponsorship in the Security Council for his plan." (M.W.M., p. 307). Then, after a month of private negotiations and further revisions of these proposals, the first significant resolution on the Kashmir dispute was passed by the Security Council.

Jointly sponsored by Belgium, Canada, China, Colombia, the United Kingdom and the United States, this resolution increased the membership of the Commission to five, the additional two members to be selected by the Security Council; if the selectees of India and Pakistan could not agree on the extra member he was to be designated by the President of the Council. It ordered the Commission to proceed immediately to the sub-continent and further instructed it to offer its good offices with respect both "to the restoration of peace and order and to the holding of a plebiscite by the two Governments . . ." (India and Pakistan).<sup>8</sup>

The Resolution of April 21st, which was passed by a vote of 9 to 0, the U.S.S.R. and Ukraine abstaining, represented the first attempt to provide an *overall* solution of the Kashmir dispute. Its sponsors focussed their attention on the three principal practical problems which were revealed by the earlier analysis of the Indian and Pakistani case—withdrawal of forces, plebiscite, and interim Government in Kashmir—and proposed a compromise "package deal." And yet, as the Chinese delegate aptly remarked, "the plebiscite is the arch of this draft resolution . . . The greater part . . . is aimed at making that plebiscite as fair and as impartial as possible" (S/P.V. 284, 17.4.48, p. 5).

*Withdrawal of Forces:* On this issue the resolution made a concession to India's view, by calling on Pakistan "to use its best endeavours" to secure the withdrawal of the tribesmen and Pakistani nationals not normally resident in Kashmir, to prevent any further "intrusion" into the State, and to desist from all aid to "those fighting in the State." By contrast, India was permitted to retain a "minimum" force to aid the Government of Kashmir in the maintenance of law and order. Moreover, the withdrawal of its forces was to be accomplished "in consultation with the Commission," Pakistan being conspicuously excluded, and was to *begin* this withdrawal only *after* the Commission was satisfied that "the tribesmen are withdrawing and that arrangements for the cessation of fighting *have become* effective."

<sup>8</sup>The full text of the Resolution of April 21st, from which the following quotations and details are taken, is to be found in S/726, April 22, 1948. (Emphasis mine.—M.B.)

*Interim Government:* The Resolution of April 21st tried, with little success, to reconcile India's insistence on the retention of Sheikh Abdullah's regime with Pakistan's demand for an "impartial interim administration." To achieve this objective it called on India to ensure that the Kashmir Government would provide "the major political groups" (i.e. Azad Kashmir as well as Sheikh Abdullah's National Conference) with representation in the Cabinet "while the plebiscite is being prepared and carried out."

*Plebiscite:* In its measures to safeguard the freedom and impartiality of the plebiscite, this Resolution was markedly favourable to Pakistan's demand for complete international control. This becomes evident from an analysis of the provisions relating to the Plebiscite Administrator.

His absolute *autonomy* was assured by the stipulation that, although formally appointed by the Kashmir Government, he was to be "nominated," i.e. selected, in fact, by the U.N. Secretary-General. Moreover, he was granted direct access to the Commission, and through it to the Security Council, as well as the right to choose his own staff.

More significant was the almost unlimited authority granted to the Plebiscite Administrator in the fulfillment of his functions. (a) The State was to delegate "such powers as the (Plebiscite Administrator) considers necessary for holding a fair and impartial plebiscite *including, for that purpose only, the direction and supervision of the State forces and police*"; (b) India was to make available troops needed by him in conducting the plebiscite; (c) The State was to provide him with a group of "special magistrates . . . to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on . . . a free and impartial plebiscite."

Among the other measures to guarantee the impartiality of the plebiscite the following were the most noteworthy: India was called upon to ensure the release of all political prisoners in Kashmir as well as the withdrawal of Indian nationals not normally resident in the State, i.e. the Hindu and Sikh private armies; India was asked to aid the Plebiscite Administrator in preventing the use of bribery, coercion or intimidation on the voters; India and the Kashmir Government were expected to assure freedom of speech, press, assembly and travel in the State; the Commission was instructed to post "such observers as it may require" to fulfill its functions.

Before analyzing the Indian and Pakistani reaction to these

controversial provisions, it is worth noting the comments of various Security Council members. Very early in the debate on the April 21st Resolution, the U.S. delegate suggested that it represented a reasonable compromise of the positions held by the principal parties to the dispute. In response to India's charge of Pakistani complicity in the tribal invasion, he observed, the resolution called for a prior withdrawal of the tribesmen and Pakistani nationals fighting in Kashmir. Similarly, in an effort to enable Pakistan to prove its conviction that the Kashmiris preferred accession to Karachi, the resolution formulated a comprehensive procedure for a fair and impartial plebiscite, with ample authority for the Plebiscite Administrator.

Both France and Canada stressed the "control and authority of the Security Council" over the plebiscite, which India has persistently rejected. The Canadian delegate, however, tried to remove certain Indian objections by suggesting that the "direction and supervision over the State forces and Police" by the Plebiscite Administrator did not imply the right to interfere with the internal administration of Kashmir; rather, the right to request the use of forces necessary for the proper conduct of the plebiscite.

Like the Syrian representative, the Argentine spokesman was favourable to the Pakistani view. With regard to the withdrawal of the tribesmen, he proposed an amendment which would give Pakistan the right, at its own discretion, to dispatch troops and/or police to Kashmir in order to fulfil this obligation. Moreover, along with the Syrian delegate, he suggested that the Commission be given the discretion to use Indian or Pakistani troops, *without* the agreement of the other party, as stipulated in the resolution. (Above comments from S/P.V. 284, 286, 17 and 21.4.48.)

India's reaction to the Resolution of April 21st was bitter and sharp, as reflected in Ayyengar's comparison of its provisions with those of the Chinese draft resolution.

Mr. Tsiang's scheme has been twisted out of shape in essential particulars . . . Practically every amendment of substance to the 18 March resolution . . . is, from our point of view, a definite worsening of our position, and constitutes a breach—in some cases a violent one—in our fundamentals . . . it is not now possible for us to agree to the draft resolution (S/P.V. 285, 19.4.48, pp. 4-5).

"The most unsatisfactory feature," in India's view, was the "scant consideration given in it to the issue on which we invoked the jurisdiction of the Security Council . . ." That India resented this alleged



lacuna became evident from still another criticism of the Council's actions. In the words of Ayyengar:

This cold-shouldering of our main complaint has hurt us, our Government, and my nation deeply . . . Instead of taking . . . action earlier, India's complaint was placed in cold storage for nearly four months, four months of continued bloodshed and economic ruin. And at the end of it all we were exhorted . . . to agree to a resolution niggardly in its recognition of the merits of the matter, vague and indefinite in the wording of the action to be taken by Pakistan. And in the interpretation of that language the Security Council has gone even further and been apologetic to Pakistan for reminding it of its duty. India cannot, in honour, agree to this treatment of its case (S/P.V. 285, p. 12).

Perhaps because of the frequently-expressed view—by the British, American, French, Syrian and Argentinian delegates—that Kashmir's accession was *conditional* on the results of a plebiscite, and because of the oft-stated conviction by Council members that India and Pakistan were equal parties to the dispute, Ayyengar, at last, stated India's views on Kashmir's Accession. It was, he declared, a legal and binding act, and would lapse only if the plebiscite should favour Pakistan. Because of this, he added, Pakistan has no right to participate in the arrangements for a plebiscite. Moreover, after the cease-fire, the entire State would have to come under the direct administration of the constitutional Kashmir Government; and finally, because India is responsible for the defence of its constituent units, it has the right to station troops in that part of the State under the control of the Azad Kashmir authorities.

It was in terms of this basic conception that Ayyengar appraised the Resolution of April 21st and took sharp exception to the following provisions:

(a) A coalition government in such a tense political situation, he argued, would cause paralysis. While India had no objection to granting representation to "major political groups," the selection would have to be made by Prime Minister Sheikh Abdullah;

(b) In Ayyengar's view, the "minimum" force to be retained by India had to be sufficient not only to maintain law and order but also "for defence against external aggression";

(c) India objected strenuously to the wide powers conferred on the Plebiscite Administrator. Why, its delegate asked, should he have any authority over State Forces and Police prior to the plebiscite? It also opposed the provision concerning "special magistrates" and the

right of the Administrator to communicate with Pakistan. Ayyengar argued that since he would be an officer of the Kashmir State, "it is against all ideas of both political substance and administrative propriety" that he be permitted to deal directly with "an outside Government" which has no jurisdiction in the plebiscite (S/P.V. 285, pp. 13-18).

Because of these and other objections India categorically rejected the Resolution. However, it added in a tone of conciliation that should the Security Council still decide to send out the proposed Commission, India "would be glad to confer with it" (S/734, 6.5.48).

Pakistan, too, was disappointed with the Resolution of April 21st and was critical of the Council's efforts to reach a "compromise" agreement. In one of his very rare bitter outbursts, Zafrullah Khan declared:<sup>9</sup>

. . . it would appear that at least some of the members of the Security Council seemed to have realized during that interval (the return of the Indian delegate to Delhi on February 12th to the Chinese draft resolution, March 18th, of which the April 21st Resolution was the final product) . . . that the Security Council had for once let itself slip into a position of fairness and impartiality between two contending parties which might help to restore to the United Nations a fraction of the prestige that it was so rapidly losing in the eyes of the world. They therefore beat a hasty retreat from a position so unfamiliar and embarrassing and fraught with the possibility of such undesired consequences.

In support of this observation he quoted at length from statements made by members of the Council during January and February, 1948. It was the general consensus at that time, he asserted, that the interim Government should be completely impartial, that the plebiscite must seem fair to all parties, that all regular and irregular armed forces should withdraw from the State, and that that withdrawal be accomplished by the co-operation of the Indian and Pakistani High Commands. And yet, he declared, none of these important generally-accepted views are to be found in the provisions of the April 21st Resolution.

As for the specific provisions of the resolution, his principal objections were directed towards the following:

The Council, itself, he observed, had declared the withdrawal of tribesmen to be conditional on assurances to them that an impartial

<sup>9</sup>The attitude of Pakistan's Foreign Minister to this resolution, from which the following quotations and details are taken, is to be found in S/P.V. 285, April 19, 1948, pp. 20-47.

plebiscite would be held, but the resolution was inadequate in this respect. Moreover, machinery was required to facilitate this withdrawal. For this reason he proposed an amendment to permit Pakistan to send troops and/or police into Kashmir. He also proposed Indo-Pakistan co-operation to end the fighting with the provision that Indian troops advance no further than an agreed-upon line.

The "crucial" provision regarding the interim government, he declared, was vague and confusing, and left considerable room for a violation of the freedom of Kashmiris during the plebiscite. On this point he proposed, as an alternative, equal representation to the National Conference, the Muslim Conference and Azad Kashmir.

Moreover, he criticized the lack of means to ensure that the Indian and Kashmir Governments lived up to their assurance that there would be no threats, bribery and coercion applied to the Kashmiris during the plebiscite. He also objected to the fact that only Indian troops were to be used by the Plebiscite Administrator in carrying out his functions, arguing that this bias would frighten those who desired accession to Pakistan. For these reasons Pakistan, too, expressed its inability to accept the Resolution of April 21st (Text: S/735, 6.5.48).

The outright rejection of this resolution by both India and Pakistan represented a sharp rebuff to the Security Council insofar as six members had jointly sponsored it and it was the product of four months of almost continuous deliberations. That some members of the Council were annoyed by their reaction was reflected in the severe criticism levelled at both parties by the U.S. delegate at the end of May, 1948. In the words of Mr. Austin:

We have noticed that there is apparently no sense of obligation on the part of the parties to the case . . . The parties come here and engage the very expensive machinery of the United Nations and the time of distinguished men from all over the world . . . We are now told they will not assent but . . . will resist ("many of the most important articles" of the April 21st Resolution). That is an absurd position for the United Nations to be in . . . It is not only morally wrong, but I think that it is not in conformity with the spirit of the Charter . . . (S/P.V. 304, 26.5.48, pp. 20-21).

The last decision taken by the Security Council during the first phase of its deliberations was its acceptance of a Syrian-sponsored resolution of June 3rd, 1948, which directed the Commission

. . . further to study and report to the Security Council when it considers appropriate on the matters raised in the letter of the

Foreign Minister of Pakistan dated the 15th January, 1948 . . . (Text: S/819, 3.6.48).

This represented a major victory for Pakistan because once again it gave official sanction to the Pakistani view that it was not Kashmir alone but the whole complex of Indo-Pakistan disputes which fell within the purview of the Security Council. Moreover, this resolution testifies to the achievement of Zafrullah Khan four months earlier when he succeeded in altering the name of the issue before the Security Council from the Jammu-Kashmir Question to the India-Pakistan Question.

India was appalled at this development and, in the words of Prime Minister Nehru,

The Government of India wish to record their emphatic protest against this enlargement of the scope of the Commission's activities and to make it clear that they do not acquiesce in it . . . (S/825, 7.6.48).

So ended the first stage of the Indo-Pakistan struggle for support at the United Nations.

## CHAPTER V

### *The Role of the United Nations Commission, 1948-1949*

The composition, functions and scope of the U.N. Commission are to be traced to the Security Council Resolutions of January 20 and April 21, 1948, both adopted by a vote of 9 to 0, with the U.S.S.R. and Ukraine abstaining. As already noted, the former created a three-member commission of mediation (one to be selected by India, one by Pakistan, and a third by their selectees) and invested it with a dual function—to investigate the facts, and to exercise any mediatory influence likely to ease the tension between the two countries. The most significant feature of this resolution, which was approved by both India and Pakistan, was the broad scope of the Commission's activities. It was empowered to perform these functions not only in regard to the dispute over Jammu and Kashmir but also, when so directed by the Council, with reference to the various counter-charges raised by Pakistan's Foreign Minister in his letter to the Council on January 15, 1948.

The Resolution of April 21st, which was rejected by the principal parties to the dispute, enlarged the Commission's membership to five, the additional members to be appointed by the Security Council. Moreover, it instructed the Commission to proceed "at once" to the sub-continent, and further directed it to use its good offices to secure agreement on the cessation of hostilities and the holding of a plebiscite, to which both India and Pakistan were committed. Finally, this resolution proposed a comprehensive series of measures which the Council considered necessary to achieve these twin objectives.

The Commission's terms of reference were further broadened and clarified by the Resolution of June 3, 1948, also passed by a vote of 9 to 0, the U.S.S.R. and Ukraine abstaining. In this resolution, the last decision taken during the first phase of its deliberations, the Security Council granted wide discretionary powers to the Commission by authorizing it to investigate Pakistan's counter-charges whenever "it considers it appropriate," rather than when "the Council so directs," as stipulated in the January 20th Resolution.

The actual formation of the Commission involved a lengthy process, extending over a period of three months. The first step was taken on February 10, 1948, when it was announced that India had selected *Czechoslovakia* to serve on the Commission. Then, on April 23rd, the Security Council appointed *Belgium* and *Colombia* as members. The fourth member, *Argentina*, was designated by Pakistan—under protest—on May 6th, the very day it formally rejected the April 21st Resolution. The following day the President of the Security Council appointed the *United States* as the fifth member.

Armed with its clearly-defined instructions and powers, as provided in the Resolutions of January 20, April 21 and June 3, 1948, the Commission proceeded to Geneva where it held its first formal session on June 16th.<sup>1</sup> During the following three weeks it conducted an exploratory correspondence with New Delhi and Karachi about its plans and purposes, and formulated its rules of procedure—the most important being the adoption of decisions by a majority of at least three members present and voting.

It was during this "Geneva period," too, that the Commission adopted its official name, a decision which again reflected Pakistan's victory during the Security Council deliberations in 1948. As the first report of the Commission noted, a number of terms had been used during the Council debates, such as "Kashmir Commission," preferred by India, "Commission of Good Offices," etc. However,

In the light of the terms of reference and particularly of the resolution of 3 June . . . it was thought preferable to adopt a name which, although less precise, would cover the entire field of its work.

The choice, therefore, was the *United Nations Commission for India and Pakistan*, commonly-known as UNCIP.

<sup>1</sup>The following survey of the Commission's activities from its inception until September, 1948, is based on its first Interim Report to the Security Council, S/1100, November 22, 1948.

From the very beginning of its activities, the Commission was acutely conscious of the prevailing suspicion in New Delhi. This became evident during its exploratory correspondence, when Nehru inquired about the Commission's proposed scope of activities. In its own words:

The Commission felt that it should phrase its reply to the Prime Minister (of India) in terms as general as possible in order to avoid any controversy which might jeopardize its departure for the sub-continent . . . the Commission decided that it would be unwise to commit itself in advance on the scope of its investigations . . .

In Indian Kashmir distrust had given way to outright hostility as a result of the April 21st Resolution. On July 11, 1948, a correspondent of the London *Times* reported this mood in the following words:

. . . in Kashmir itself Sheikh Abdullah's regime was averse from allowing the Commission to set foot in the State, and felt that public resentment might take the form of black-flag demonstrations.

It was in this atmosphere of Indian and Kashmiri discontent that the Commission arrived in the sub-continent on July 7, 1948. Nor was Pakistan entirely satisfied with the Security Council's decisions, as evidenced by its rejection of the April 21st Resolution. To make things even more difficult, the Commission received entirely unexpected information during its very first interview with Zafrullah Khan:

The Foreign Minister informed the members of the Commission that the Pakistan Army had at the time three brigades of regular troops in Kashmir, and that troops had been sent into the State during the first half of May (1948) (S/1100, para. 40).

To the Commission's consternation, Zafrullah added that "the presence of Pakistan troops in Kashmir did not raise the question of international obligations since Pakistan had never accepted any with regard to non-interference in Kashmir" (S/1100, para. 64).

Further revelations concerning Pakistan's hitherto-concealed participation in the Kashmir War emerged into the world limelight on August 4, 1948, when Karachi admitted that "the Pakistan Army is at present responsible for the overall command of Azad Kashmir forces."

Pakistan explained this dispatch of regular troops to Kashmir on the grounds that India's military advance in the spring of 1948

threatened the security of West Pakistan; raised the possibility of an Indian *fait accompli* stemming from complete military occupation of Kashmir; and created the danger of a mass influx of Muslim refugees from Kashmir.<sup>2</sup> The Commission, however, was not unduly impressed. Indeed, it specifically criticized this unauthorized action and used it as the point of departure for its Resolution of August 13, 1948.<sup>3</sup>

As the presence of troops of Pakistan in the territory of the State . . . constitutes a material change in the situation since it was represented by . . . Pakistan before the Security Council . . . Pakistan agrees to withdraw its troops from that State.

In considering the August 13th Resolution, one notes a marked shift in the U.N. attitude—to the advantage of India. This becomes evident from an analysis of the provisions relating to the proposed Truce Agreement.

(1) *All* Pakistani troops as well as the tribesmen and Pakistani nationals not normally resident in Kashmir were to be withdrawn while only the *bulk* of Indian forces were to leave the State.

(2) India was “*to begin* to withdraw the bulk of their forces” only *after* “the Commission shall have notified (it) that the tribesmen and Pakistan nationals . . . have withdrawn . . . and further, that the Pakistan forces are being withdrawn.” Moreover, the withdrawal of Indian forces was to be conducted “in stages to be agreed upon with the Commission,” not with Pakistan.

(3) India was permitted to maintain “forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order.”

To India’s advantage as well was the Commission’s unqualified acceptance of *all* the reservations accompanying Nehru’s acceptance of the Resolution on August 20th. These stipulated that

(a) the proposed administration by “local authorities” of the territory evacuated by Pakistani troops could not question the sovereignty of the Jammu and Kashmir government (Abdullah’s regime) in that area nor afford any recognition to the Azad Kashmir authorities;

(b) “the time when the withdrawal of Indian forces . . . is to begin, the stages in which it is to be carried out and the strength of

<sup>2</sup>For an analysis of the military campaign in Kashmir and its consequences, see pp. 98-99.

<sup>3</sup>The full text of this resolution, from which the following quotations and details are taken, is to be found in S/995, September 13, 1948, pp. 3-5. (Emphasis mine—M.B.)



Indian forces to be retained in the State" would be decided by India and the Commission—to the absolute exclusion of Pakistan; further, "the paramount need for security is recognized," i.e. the size of Indian forces which were to remain in Kashmir should be conditioned by the need to ensure its security against external aggression;

(c) "Part III (of the resolution) does not in any way recognize the right of Pakistan to have any part in a plebiscite."

It was only on the question of the strategic Northern Area (that part of Kashmir which borders on Pakistan, Afghanistan, the U.S.S.R. and China) that the Commission was non-committal. In a letter to the Commission on August 20, 1948, Nehru requested that after the withdrawal of Pakistani forces "the responsibility for the administration of the (Northern Area) should revert to the Government of Jammu and Kashmir and that for defence to us. (The only exception that we should be prepared to accept would be Gilgit)." To this the Commission replied five days later: "the question raised in your letter could be considered in the implementation of the Resolution."

Although India's conditions had been fully accepted—Sir Girja S. Bajpai, Secretary-General of the Indian External Affairs Ministry, informed the Commission that Nehru's request regarding the Northern Area was not to be considered a condition to his acceptance of the August 13th Resolution—its attitude to the Resolution was far from enthusiastic. Even in his letter of acceptance, on August 20th, the Indian Prime Minister commented:

There are many parts of it, which we should have preferred to be otherwise and more in keeping with the fundamental facts of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory.

In giving expression to India's misgivings, Nehru was apparently referring to the vague reply of the Commission on the crucial issue of the Northern Area; to the lack of precise definition of such terms as "local authorities," "surveillance of the Commission" and "bulk of Indian forces;" and finally, to the conspicuous absence of any reference to the disbanding of Azad Kashmir forces.

Pakistan, in effect, rejected the Resolution of August 13th but at first reserved its views, urging that the cease-fire "should be completely divorced from all other proposals." The Commission expressed agreement that an unconditional cease-fire was desirable, and noted that its "activities during its early deliberations were directed along these lines." However, it added, "the presence of Pakistan

troops in . . . Jammu and Kashmir . . . is a material change in the situation . . . which creates obstacles to the effective and immediate implementation of an unconditional cease-fire.”

Pakistan requested and received further elucidations on September 3, 1948, and three days later it “accepted” the August 13th Resolution, but in such a way and with such provisos as to make it tantamount to a *de facto* rejection. Among the points stressed in its lengthy communication, the following merit attention for they provide some insight into certain facets of Pakistan’s approach and shed further light on the principal stumbling blocks to an overall solution:

(a) It differentiated sharply between the Pakistani and Azad Kashmir Governments, asserting that the latter was completely autonomous and a necessary party to any settlement. (In arguing thus, Pakistan was able to justify its *de facto* rejection of the Resolution and place the onus for the continued deadlock on the Commission’s refusal to consider the views of “a principal party to the dispute,” i.e. Azad Kashmir.)

(b) It requested a “balanced and synchronized” withdrawal of Indian and Pakistani forces to be arranged by their High Commands in consultation with the Commission.

(c) It demanded that “Azad Kashmir Forces shall remain intact,” i.e. shall not be disarmed or disbanded, and refused to countenance the entry of Indian or Kashmir Government military or civilian personnel into Azad territory.

(d) It assumed that the “surveillance of the Commission” “does not imply the exercise of control over or interference with the administration.”

(e) It urged once again the withdrawal of all Indian forces.

Finally, it asserted that its acceptance was subject (a) to India’s acceptance of the Commission’s clarifications to Pakistan and vice-versa; (b) to India’s acceptance of the April 21st Resolution – which both India and Pakistan had rejected—“as explained by the sponsors of the Resolution;” and (c) to the Commission’s elucidations to Pakistan—as Pakistan understood them.

The Commission took this to mean a categorical rejection and, in a critical note to Pakistan on September 19, 1948, it stated that the Pakistani conditions were “beyond the compass of this Resolution, thereby making impossible an immediate cease-fire and the beginning of fruitful negotiations between the two Governments and the Commission . . .”

As for the Commission, it would appear that it laid the groundwork for much future misunderstanding by obscuring the issues in its practice of endless clarification. It took an ambiguous attitude to the status of the strategic Northern Area. With regard to the Azad Kashmir Government, it assured Nehru at the end of August, 1948, that this Government had no legal status, but at the very same time acknowledged its *de facto* status in its communications with Zafrullah Khan. It further contributed to misunderstanding by never defining the term "bulk of Indian troops" which was later to prove a serious bone of contention. Similarly, as implied in Nehru's misgivings, it was vague about the relationship between the "local authorities" and the Commission itself. Finally, on the question of the plebiscite, it accepted Nehru's view that Pakistan had no right to participate in the plebiscite but by its very negotiations with Pakistan, it acknowledged, at least *de facto*, the Pakistani claim to be considered a party to such a plebiscite.

The consequences of these ambiguous clarifications and contradictory assurances were very important. Indeed, later developments were to reveal them as among the principal reasons for the complete impasse in the negotiations for a Truce Agreement. In February, 1949, both Pakistan and India reiterated their request for a precise definition of these terms—"bulk," "local authorities," "surveillance of the Commission." During the following six months, as subsequent discussion will demonstrate, a recurring feature of the deadlock was the difference in the interpretation of the Commission's elucidations and clarifications as well as the meaning of these terms.

With the acknowledgment of complete deadlock, the Commission departed for Geneva on September 19th to prepare its first interim report, which was submitted to the Security Council on November 22, 1948.

The next phase in the work of the Commission coincided with the fourth General Assembly of the United Nations. Taking advantage of the presence of Indian and Pakistani representatives, it presented them with new proposals on December 11, 1948. In essence, these proposals were a supplement to Part III of the August 13th Resolution (the Plebiscite), for the Commission reaffirmed that resolution and merely added "Basic Principles for a Plebiscite."<sup>4</sup>

<sup>4</sup>The full text of the Commission's proposals of December 11th, 1948, is to be found in S/1196 (Second Interim Report of the Commission to the Security Council) January 10, 1949, Annex 3.

Although containing many of the specific provisions of the Security Council's Resolution of April 21st, which India had rejected, these "principles" reflected the shift in favour of India's position, already apparent in the Commission's August 13th Resolution. Of special interest, in this connection, was the conspicuous absence of two conditions for a plebiscite provided in the Council's April 21st Resolution, to which India had strenuously objected.

Under the latest proposals of the Commission, the idea of a coalition Interim Government was abandoned in its entirety, thereby conceding India's persistent demand that Sheikh Abdullah's regime be recognized as *the* Kashmir Government until the results of a plebiscite were known. Moreover, the powers of the Plebiscite Administrator were drastically reduced. He no longer had the authority to "direct and supervise" Kashmir State forces and police, and he could *not* appoint a special corps of magistrates which would be independent of the Kashmir Government's control.

The remaining "principles" merely reiterated the provisions of the April 21st Resolution relating to the right of Kashmiri citizens to return to their homes, the release of political prisoners, the withdrawal of non-Kashmiris, the protection of minorities, etc. However, these latest proposals presaged further friction and differences of interpretation, for certain key terms such as "bulk," "local authorities," and "surveillance" remained imprecise.

The net effect of these proposals was the achievement of temporary agreement by India and Pakistan at the expense of long-run deadlock. For India, these proposals seemed to be a vindication of its case. Its prestige was maintained by the provision that the Plebiscite Administrator would be appointed by, and receive his powers from, the Indian Kashmir Government. Furthermore, his powers were considerably reduced; Pakistan was to be completely excluded from any role in the final disposal of Indian troops; Sheikh Abdullah's regime was recognized as *the* Interim Government; the tribesmen were to be expelled; and the Hindu and Sikh minorities were to be assured protection.

India accepted these proposals on December 23, 1948. However, in view of subsequent differences in interpretation, it is important to note that its acceptance of the December 11th "Principles for a Plebiscite" (and, therefore, of the Commission's Resolution of January 5, 1949, which embodied those "principles") was based on a series of precise assurances given by the Commission. During the

course of personal conversations with the Commission Chairman (Colombian delegate Lozano) on December 20 and 22, 1948, the Indian Prime Minister requested and received full satisfaction on the following major points:

(a) that Pakistan must implement the first two parts of the August 13 Resolution before India could accept the proposals for a plebiscite, i.e. the Commission's proposals of 11 December, 1948;

(b) that the plebiscite administrator would have limited powers and would deal only with the *organization* of the plebiscite itself;

(c) that the term "freedom of speech" during a plebiscite did not imply the right of Pakistani protagonists to play upon religious fanaticism; and

(d) that there should be "large-scale disarming" as well as the disbanding of the Azad Kashmir forces.

Pakistan also received some measure of satisfaction. Its fears regarding the Plebiscite Administrator were removed by the Commission's explanation that "the final decision (of his selection) will rest with the Secretary-General of the United Nations," and that Pakistan, along with India, would be consulted in his selection. It added that the Plebiscite Administrator

will not be an employee of the Government of Jammu and Kashmir or subject to its control; will be competent to exercise such powers as he considers necessary for the conduct of the plebiscite; and the organising and conducting of the plebiscite will be the responsibility exclusively of the Plebiscite Administrator.

In accordance with this provision, the Secretary-General selected Admiral Nimitz as Plebiscite Administrator on March 24, 1949. However, because of the deadlock over demilitarization, he has not yet formally assumed his responsibilities. It was on the basis of these clarifications that Pakistan accepted the Commission's proposals of December 11, 1948.

The question here arises — why did Pakistan accept the Commission's proposals of December 11th after having rejected the August 13th Resolution, which provided their basic orientation? To some extent it may be due to a fear for the political stability of the newly-established State caused by the death of Jinnah at the end of September, 1948, and to a concern for the economic stability of the country arising from the serious drain on its limited financial resources. A third factor may have been the rapidity with which the Indian Army overran Hyderabad in November, 1948, revealing the strength of its neighbour's armed forces.

The connection between these factors and the Pakistani decision to accept the Commission's proposals of December 11th are in the nature of speculation. However, one consideration which undoubtedly influenced its decision was the marked improvement in India's military position in Kashmir during the autumn of 1948.

Somewhat earlier, it was noted that at the end of 1947 military operations both in the Kashmir Valley and in Jammu Province had become relatively stabilized. During the winter actual fighting was confined to the western part of Jammu; in the spring of 1948 both armies replenished their forces with additional manpower and supplies. The summer campaign began in April with a rapid Indian advance in the Valley and the capture of Salamabad, Handwara and Tithwal, a mere 18 miles from the border town of Muzaffarabad, one of the major centres of Azad Kashmir.

It was this advance which Pakistan considered to be the precipitating cause of its direct participation in the Kashmir War, as noted in Chapter III. With the entry of regular Pakistani forces into Kashmir early in May, the Indian offensive was stopped and a stalemate set in on this front.

In the north, the Pakistani Army advanced from its base in Gilgit and occupied the strategic regions of Baltistan, Skardu, Kargil and Dras. They penetrated even as far as Leh, the capital of Ladakh, but were forced to retreat. In the middle of October, 1948, Pakistani forces in the eastern part of the Valley made an unsuccessful effort to recapture Tithwal, which was perilously close to the Pakistani border.<sup>5</sup> In November, the Indian Army returned to the offensive and on the 15th recaptured the strategic town of Dras, thus ending a major threat to the Kashmir Valley in the north-east and relieving the pressure on Ladakh. Six days later Indian troops succeeded in breaking the one-year siege of the town of Poonch in Jammu Province.

While there is no concrete evidence that the Indian advance, in general, and the lifting of the siege of Poonch, in particular, influenced the Pakistani outlook, it is relevant to note that just three days after the Poonch operation, Pakistan's Foreign Minister called upon the Security Council to take immediate action or else Pakistan "will have to undertake a counter-offensive with all available resources . . . to prevent the over-running of the Poonch and Mirpur

<sup>5</sup>A comprehensive survey of military operations in Kashmir from October, 1947, to October, 1948, is to be found in Government of India: Press Information Bureau: *Twelve Months of War in Kashmir*, New Delhi, October, 1948.

Districts" (S/1087, 23.11.48). The Indian offensive continued unchecked, and on the very day of Zafrullah Khan's letter to the Security Council, Indian troops recaptured Kargil, an important trade and communication centre in the Ladakh Valley; by so doing they removed the threat to the Central Asian highways passing through the Ladakh Valley, and paved the way for the resumption of trade with Tibet and Yarkand. Three days later, Zafrullah indicated his willingness to sign an immediate cease-fire (H.T. 27.11.48).

With the official acceptance by India and Pakistan of the Commission's proposals of December 11th, a cease-fire agreement was signed — to take effect from January 1, 1949. With their acceptance as well of the Commission's resolution of January 5, 1949, which embodied the December 11th principles for a plebiscite, the first stage of direct U.N. mediation in the Kashmir dispute came to an end (Text: S/1196, 10.1.49, pp. 4-6).

This dual achievement—the Cease-Fire and the January 5th Resolution—formed the substance of the Commission's second interim report, which was submitted to the Council on January 10, 1949.

Upon its return to the sub-continent on February 4, 1949, the Commission was confronted with two principal tasks; the effective implementation of the Cease-Fire, Part I of the August 13th Resolution, and the realization of the Truce, as envisaged in Part II of that resolution. (Since the first clause of the Resolution of January 5, 1949, reaffirmed the Resolution of August 13, 1948, Pakistan's acceptance of the former constituted acceptance of the latter as well.)

Although the problem of demarcating the Cease-Fire line on the ground seemed to be merely technical in nature, it took seven months of arduous negotiations to secure agreement. The delay, as the Commission itself noted, was due primarily to its efforts to achieve an accord on the military and political aspects simultaneously. It was only when these were treated separately that progress was made and finally, on July 27, 1949, an agreement on the purely military problem of demarcating the Cease-Fire line was reached in Karachi. In addition, it granted both parties the right "to adjust their defensive positions behind the cease-fire line" but prohibited any increase in their forces in Kashmir. Moreover, the Commission was given permission to station observers anywhere in the State—the origin of the U.N.

Military Observer Group for Kashmir. At the beginning of 1953, this group comprised 59 soldiers from 11 countries under the leadership of General R. Nimmo of Australia.

The problem of the Truce, however, was of a far different order for it was concerned with those fundamental political issues, analyzed in the preceding chapter, upon which the two parties rested their claim to Kashmir.

In its efforts to arrive at an acceptable compromise on the Truce, as well as on the Cease Fire, the Commission adopted various procedures and methods of mediation. These may be appropriately considered in a survey of the Commission's activities from March to September, 1949.<sup>6</sup>

After preliminary discussions in Karachi, Delhi and Srinagar, which revealed a complete impasse, the Commission invited the two parties to a joint military and civil conference with its Truce subcommittee. This joint meeting, held in Delhi on the 9th of March, proved to be a complete failure, for Pakistani representatives presented a comprehensive scheme to implement the Truce, reiterating the conditions Zafrullah had proposed on numerous occasions, and India countered with a flat rejection.

In an attempt to narrow the existing differences, the Commission then conducted a series of conversations and exchanges of memoranda, on parallel lines, but this, too, proved ineffective.

"At this point the Commission concluded that it should itself take the initiative by proceeding to draft truce proposals." These were submitted to India and Pakistan on April 15th but were rejected by both parties. Then, on April 28th, the Commission presented its revised "Truce Terms" which may be summarized briefly as follows:

*Northern Area*—should the Commission and/or the Plebiscite Administrator decide that it was necessary for Kashmir's defence, India would be permitted to station troops in that area.

*Withdrawal of Forces*—the Commission set forth detailed schedules for the withdrawal of *all* Pakistani and the *bulk* of Indian troops—in accordance with the provisions of the August 13th Resolution.

*General Provisions*—these reiterated that the territory evacuated by Pakistan would be administered by "local authorities under the surveillance of the Commission," and reaffirmed the clauses of the August 13th and January 5th Resolutions regarding release of political prisoners, the guarantee of civil rights, and the maintenance of law and order.

<sup>6</sup>The following survey and quotations by the Commission are taken from S/1430, and S/1430. Addendum 1, December 9, 1949 (the Third Interim Report of UNCIP to the Security Council).



Neither party accepted these Truce Terms and, indeed, "both (replies) brought out clearly that great differences of opinion still existed between the two Governments." In its letters of May 18, June 17 and June 19, 1949, India clearly indicated its two fundamental objections. These related to the conspicuous absence of any reference to the disbanding and disarming of the Azad Kashmir forces, and what it considered to be the unsatisfactory compromise on the Northern Area. Pakistan, too, was completely opposed to these Truce Terms. In its "observations" on May 30th, it objected strenuously to the stationing of Indian troops in the Northern Area and reiterated its demand that no Indian or Kashmir Government official be permitted to enter this region. Moreover, it restated its view that the withdrawal of Pakistani and Indian troops should be synchronized.

Having failed to break the impasse by separate negotiations, the Commission then proposed a joint political conference at the ministerial level, to be held on August 22, 1949. Both governments "indicated their agreement to meet but . . . made strong reservations on the provisional agenda." Once again the disagreement centered on the Northern Area and the Azad forces. India insisted that both issues be discussed at the proposed conference, while Pakistan demanded that they be omitted. As a result, the Commission called off the proposed conference on August 18th, a decision which was severely criticized by the Czech member of the Commission.

In a final effort to break the impasse, the Commission proposed, on August 30, 1949, that all points of difference be submitted to arbitration. The next day, President Truman and Prime Minister Attlee openly appealed to both parties to accept this suggestion (T. of I, 1 and 2.9.49). Pakistan accepted but India rejected this last attempt of the Commission to solve the dispute.

The Commission's arbitration proposal gave rise to a sharp reaction in the sub-continent. Soon after Truman and Attlee appealed to India and Pakistan to accept arbitration, Zafrullah Khan reportedly stated that the United Kingdom had committed itself in favour of India's candidacy for the Security Council (T. of I, 3.9.49). On September 4th, Nehru stated: "It is not advisable for me to say much on this delicate subject but these letters have surprised me" (T. of I, 5.9.49).

In Pakistan, the reaction took the form of criticism of the West, with the contention that Kashmir had become enmeshed in power-political considerations. On September 2, 1949, the *Civil and Military Gazette* of Lahore wrote:

In Pakistan recently there has been growing a feeling that its interests are being thrown to the dogs by both Britain and the U.S.

owing to India's more important strategic position in the struggle between Western democracy and Russian communism.

On the same day the leftist *Pakistan Times* stated:

We cannot fail to notice that the whole issue seemed to have been tagged on unnecessarily to the big power conflict and to America's struggle to contain the spread of Communism in South East Asia.

At this stage of the dispute, and indeed during the succeeding four years, the principal technical problems in the implementation of the Truce were the disposal of the Azad Kashmir troops, the withdrawal of armed forces from Kashmir, and the status of the Northern Area. And yet, these issues in themselves were not insuperable; they were merely the practical manifestations of the framework, analyzed in the preceding chapter, within which the two parties had built up their entire case.

Perhaps the greatest single technical obstacle to a Truce Agreement was the fact that between August, 1948, and the summer of 1949, the Azad Kashmir Forces had grown from a small, poorly-equipped military force to an army of some thirty-two well-equipped battalions. On this point the Commission noted:

There is, indeed, no doubt that the Azad forces now have a strength which changes the military situation and to that extent makes the withdrawal of forces, particularly those of India, a far more difficult matter to arrange within a structure which considers only the regular forces of two armies.

The transformation of the Azad army was confirmed by Sardar Mohammad Ibrahim Khan, the Prime Minister of the Azad Kashmir Government until the summer of 1950:

During the nine months that have elapsed since the Cease-Fire in Kashmir, the Azad Kashmir Government has reorganized its forces and now they are a hundred times better than what they were when they had at first risen in arms against the Dogra rule (P.T. 11.10.49).

As for the withdrawal plan itself, the crucial point of dispute was the timing; Pakistan demanded simultaneous withdrawal of all forces, and India asserted that the withdrawal of Indian forces was a question to be decided only by itself and the Commission. The impasse on this problem was not unexpected for the procedure laid

down in the Commission's resolutions did not contemplate the creation or enlargement of Azad Kashmir forces. According to the Commission,

In essence, the problem of the withdrawals lies in the fact that the sequence for the demilitarization of the State, as contained in the Commission's resolutions of August 13, 1948, and January 5, 1949, is not adequate to solve the present situation. The situation in the State has changed; the resolutions remain unchanged.

In its final report, which was published on December 9, 1949, the Commission made three principal recommendations, all of which were to be incorporated in future U.N. mediation efforts:

(a) The five-member Commission should be replaced by a single mediator with broad powers to settle the problem. (This found practical expression in the appointment of Sir Owen Dixon as U.N. Representative in April, 1950.)

(b) "The problem of demilitarization must be treated as a whole," i.e. it was necessary to bring about a synchronized withdrawal of all forces. (This recommendation was to become the guiding principle of the McNaughton Proposals in January, 1950, and the Four Power Resolution of March, 1950.)

(c) With regard to a plebiscite, all points of difference might appropriately be submitted to compulsory arbitration. (Such a suggestion was embodied in the joint U.K.-U.S. resolution of March, 1951.)

One week after the Commission made these recommendations, the Czech delegate presented a Minority Report which disagreed with the majority view that "the negotiations . . . were wrecked on account of the intransigent attitude of the two Governments." It added: "it is necessary to state that the mediation efforts of the Commission did not contribute in a constructive way to the positive solution of the whole problem."<sup>7</sup>

As for the three technical difficulties noted above, the Czech report agreed that "the reasons for the insolubility of these problems must be sought just in the shortcomings of the resolution of August 13, 1948." However, it submitted various charges against the Commission which challenged its wisdom and doubted its sincerity:

(a) The Commission's cancellation of the proposed joint conference, scheduled for August 22, 1949, was a serious error, for both Governments, despite their disagreement on the agenda, had agreed to hold such a conference.

<sup>7</sup>The quotations from the Czech report are taken from S/1430, Addendum 3, 16 December, 1949.

(b) "The Commission deeply underrated the significance of the 'Azad forces' and failed altogether to take into account the situation in the 'northern area', on which two problems . . . all the Commission's work kept on foundering."

(c) The proposal of arbitration was beyond the Commission's terms of reference.

(d) The arbitration proposal was communicated to the British and American Governments even before India and Pakistan were informed, making possible public pressure on the part of Washington and London, as reflected in the joint appeal by President Truman and Prime Minister Attlee on August 31, 1949, that all points of difference be settled by arbitration.

The Minority Report, which was never acted upon, recommended that the August 13th Resolution be replaced by one which would formally take into consideration the fundamental changes which had occurred in the interim, particularly the growth of Azad forces into an effective army. Furthermore, in contrast to the majority recommendation that the Commission be replaced by a Mediator, it proposed a new Commission composed of representatives of all members of the Security Council.

## CHAPTER VI

### *The McNaughton Proposals and the Dixon Report, 1950*

With the acknowledgment of its complete failure to secure agreement on the conditions for a plebiscite, the Commission returned the entire question to the Security Council. On December 17, 1949, the Council appointed its president, General McNaughton, as "Informal Mediator." Five days later, the Canadian delegate submitted to India and Pakistan the following proposals for the demilitarization of the State:

(a) "the withdrawal . . . of the regular forces of Pakistan; and the withdrawal of the regular forces of India not required for purposes of security or for the maintenance of local law and order on the Indian side of the cease-fire line;"

(b) "the reduction, by disbanding and disarming, of local forces, including on the one side the armed forces and militia of the State of Kashmir and on the other, the Azad forces;"

(c) the inclusion of the Northern Area in this programme of demilitarization and its continued administration, "subject to United Nations supervision . . . by the existing local authorities."

To implement these principles of demilitarization, McNaughton suggested that the Commission be replaced by a single United Nations Mediator.

Pakistan accepted these proposals with only minor verbal modifications. India, in effect, rejected them by suggesting two far-reaching amendments, namely that only the Azad Kashmir forces should be disbanded, and that the responsibility for the defence and administration of the Northern Area should rest with India and the Indian

Kashmir Government respectively, instead of the "existing local authorities."<sup>1</sup>

Although McNaughton's "informal mediation" came to naught, his proposals were warmly received by most of the members of the Security Council, as revealed in the Four Power Resolution of February 24, 1950, and the Council debates during February and March. After a lengthy restatement of the Indian and Pakistani case by Benegal Rau and Zafrullah Khan respectively, a draft resolution was submitted by the United Kingdom, the United States, Norway and Cuba. In essence, it called upon India and Pakistan

to prepare and execute within a period of five months . . . a programme of demilitarization on the basis of the principles of . . . General McNaughton's proposals or of such modifications of these principles as may be mutually agreed.

Moreover, like the majority report of the Commission and General McNaughton, it provided for the appointment of a single U.N. Mediator to implement this programme of demilitarization. The only novel feature of this draft resolution was the provision which directed the Mediator "to place before those Governments or the Security Council *any suggestions* which, in his opinion, might contribute to a solution." (Text: S/1461, 24.2.50) (Emphasis mine—M.B.)

Further evidence of the Council's favourable attitude to the McNaughton Proposals emerged during the debate on this resolution. In opening the discussion on February 24, the Norwegian delegate declared:

. . . there is no longer any doubt in my mind as to whose reasoning has the best foundation of fairness and justice. It is General McNaughton's . . . A clear path towards an equitable and honourable settlement is . . . clearly indicated in the McNaughton proposal.

Speaking for the sponsors of the draft resolution, the British delegate termed the McNaughton Proposals "entirely fair and reasonable" and the French member of the Council commented: "Those proposals appear eminently reasonable to my delegation."

In the words of the U.S. delegate, "the basic principles governing (the McNaughton) proposals are, in our judgment, fair and sound."

<sup>1</sup>The complete report of General McNaughton, from which the above quotations are taken, and the reaction of the two parties to his proposals are to be found in S/1453, February 6, 1950.

The representative of Ecuador referred to "the important and realistic report of General McNaughton" and the Cuban spokesman expressed the view that "the proposals submitted by General McNaughton constitute an ample, reasonable and practical basis for the solution of the difficulties . . ."<sup>2</sup>

At the request of Pakistan's Foreign Minister the sponsors of the February 24th draft resolution provided detailed elucidations of their intentions, of which the following are the most noteworthy:

. . . the programme of demilitarization should be dealt with *as a whole* and accomplished within *a single period* . . . it should embrace *all forces* within the State . . . it should embrace *all the areas* of the State . . .

The sponsors have . . . assumed . . . that there could be *no question of making any changes in the civil administration in the northern area*.

While the Mediator was instructed to implement the demilitarization of the State with a view to arranging a plebiscite, "the mandate is made as extensive as it is in order . . . that the representative (Mediator) will be duly empowered to make *appropriate suggestions* in all contingencies, *even such as would today be considered highly improbable* (S/P.V. 469, pp. 3-4). (Emphasis mine.—M.B.)

In the light of these clarifications, the Resolution was finally adopted on March 14, 1950, by 8 to 0 with India and Yugoslavia abstaining and the U.S.S.R. absent. In explaining his abstention, the Yugoslav delegate expressed the view that the Kashmir dispute should be viewed not primarily as an Indo-Pakistan dispute but "above all . . . in the light of the rights and interests of the population of the State . . ."; and that "due consideration" should be given to the ramifications of any U.N. proposal for the solution of the dispute on Hindu-Muslim relations throughout the sub-continent. In his opinion, the proposed resolution was unsatisfactory on both these criteria (S/P.V. 470, 14.3.50, p. 4).

Pakistan's reaction was one of unqualified approval. Said Zafrullah Khan:

. . . we accept the draft resolution and shall do whatever may be required of us . . . And when I say "we accept the draft resolution," I mean both the letter and the spirit thereof: what it aims at, and the processes through which it desires to arrive at that aim (S/P.V. 470, p. 3).

<sup>2</sup>The above quotations are taken from S/P.V. 467, 468 and 469, February 24, February 28, and March 8, 1950, respectively.

As might have been expected, particularly in view of the sponsors' elucidations, India was opposed to this resolution. On March 14th, Benegal Rau informed the Security Council that while India accepted the replacement of the Commission by a single U.N. Mediator, it rejected the McNaughton proposals and thus, by inference, rejected the Resolution itself. On April 12th, Sir Owen Dixon, an Australian jurist and former Ambassador to the United States, was appointed the U.N. Mediator.

Pakistan, not unnaturally, was satisfied with this resolution for the McNaughton proposals, upon which it was based, had further acknowledged its claim to equality with India as a party to the Kashmir dispute. Moreover, in contrast with the earlier resolutions of the Commission, the Resolution of March 14, 1950, proposed *simultaneous* withdrawal of the opposing armies and the disbandment of the Kashmir Government State Militia, as well as Azad Kashmir forces.

India's rejection of the Resolution was echoed in the press. Thus, for example, the *Times of India* stated on February 9th that McNaughton had failed "because, like the U.N. Commission, he ignored the basic legal and moral issues at stake." As for the Four Power Resolution, the same newspaper asserted on March 16th: "All along the line she (India) has been making concessions to aggression, fraud and intransigence."

In Indian Kashmir the reaction was one of bitterness and dismay. Typical of this outlook was the comment of Deputy Premier Bakshi Ghulam Mohammed on February 27th: "Our faith in the United Nations has been shaken . . . So long as a single Kashmiri is alive, McNaughton's formula will not be accepted" (H.T. 1.3.50).

The newly-appointed Mediator arrived in the sub-continent on May 27, 1950, to implement McNaughton's proposals for the demilitarization of the State. During the next eight weeks he made an extensive tour of Kashmir and then, on July 20th, convened a conference with the Indian and Pakistani Prime Ministers in New Delhi. At the end of five days of fruitless negotiations, Dixon proceeded back and forth between Delhi and Karachi but without success, and on August 22nd publicly admitted the failure of his mission.

It was on the first day of the New Delhi Conference that Dixon



made his only forthright criticism of the Pakistani case. In his own words:<sup>3</sup>

. . . without going into the causes or reasons why it happened . . . I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed . . . by hostile elements, it was contrary to international law, and that when, in May, 1948, . . . units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.

It is interesting to note that this criticism involved U.N. acceptance of one of the basic postulates of India's case. Indeed, as early as November 2, 1947, Pandit Nehru referred to the tribal invasion in similar terms: "Is this not," he declared, "a violation of International Law?"<sup>4</sup>

To achieve the demilitarization of Jammu and Kashmir, Dixon proposed that because of its "original sin" Pakistan should withdraw its forces first; this was to be followed by the withdrawal of Indian troops and the disbanding and disarming of *both* Azad and Kashmir Government forces. India rejected this proposal, arguing that notwithstanding the withdrawals Pakistan might still attack, in view of its earlier actions, and that in any case only the Kashmir Government could agree to disband its forces.

For the Northern Area, the Mediator's suggestion was "to appoint Political Agents representing the United Nations and to vest authority in them." India also rejected this plan on the grounds that consultation with Pakistan amounted to recognition of its right to be in the Northern Area, and that in any event India must station garrisons there for its defence.

As for the Azad Kashmir territory, west of the Cease-Fire line, Dixon proposed the posting of a U.N. officer to each District Magistrate with "powers of supervision," the administration of the State to proceed on the same basis as that existing before October, 1947. He also assured India that this did not constitute recognition of the Azad Kashmir Government but India remained unconvinced.

In his proposals for the territory under Indian control, Sir Owen expressed his conviction that

. . . some provision was necessary to ensure that arbitrary powers *which at present exist* were not exercised so as to interfere with the

<sup>3</sup>The complete text of the Dixon Report, from which the following quotations are taken, is to be found in S/1791, September 15, 1950. (All emphasis mine.—M.B.)

<sup>4</sup>*Independence and After*, p. 59.

freedom of the plebiscite and that police powers were not so used. (He added that) the Government of the State would be vitally interested in the result of the plebiscite.

As in the case of Azad Kashmir territory, he proposed the appointment of a U.N. officer to each District Magistrate. However, whereas in the former his function would be confined to "supervision," in Indian Kashmir "the duties of the United Nations Officer would include observation, inspection, remonstrance and report." Furthermore, no arrests were to be permitted by the Kashmir Government "without the prior consent in writing of the United Nations Officer . . ." India rejected this proposal claiming that it involved an abridgement of the sovereignty of Kashmir.

As an alternative to these proposals, Sir Owen suggested the establishment of a unified government for the entire State during the period of the plebiscite. There were three variations of this scheme, namely: (a) a coalition government, with cabinet posts shared by both Kashmir administrations; (b) a non-political administration of "trusted persons," with equal representation from Muslims and Hindus, and the Chairman to be appointed by the United Nations; (c) a non-political administration composed entirely of U.N. representatives. In the Mediator's own words: "None of these suggestions commended themselves to the Prime Minister of India."

Complete deadlock having been reached, Dixon made one final proposal—a combination of partition and a plebiscite in the Valley of Kashmir. Pakistan rejected the suggestion. India replied favourably but, according to the Mediator, with such "territorial demands (that) appeared to me to go much beyond what according to my conception of the situation was reasonable . . ."

When this final proposal of partition and plebiscite proved unacceptable, Sir Owen, like his predecessors, acknowledged the failure of his mission. And yet, in his conclusions, he clung to the view that

. . . if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan *it now lies in partition* and in some means of allocating the Valley rather than an overall plebiscite.

He gave as his reasons the heterogeneity of Kashmir and his conviction that an overall plebiscite would cause a serious problem of refugee migration.

His final recommendation, which may explain why the Security Council did not discuss his report during the subsequent five months, was that it would be better to allow the parties themselves to seek

agreement by direct negotiations. "At all events I am not myself prepared to recommend any further course of action on the part of the Security Council . . ."

With the first intimation of the complete failure of the Dixon mission, the deep-rooted suspicion and tension surrounding the Kashmir impasse gave rise to sharp and bitter reaction in both Pakistan and India. On August 23rd, Liaquat Ali Khan charged that the failure of U.N. mediation efforts "rested squarely on the shoulders of India" (W.P.N., 26.8.50). On the same day, the *Civil and Military Gazette* severely criticized the Dixon Report in these words:

He has on a small scale repeated the performance of UNCIP without recording anything except indefinite and strange suggestions. He sought to create in this sub-continent another Korea.

Other prominent Pakistani spokesmen expressed their dissatisfaction at a further delay in solving the dispute and emphasized the importance of Kashmir to Pakistan. On September 18, 1950, a former Governor-General and Prime Minister of Pakistan, Khwaja Nazimuddin, responded to a welcome address in the Northern Area of Gilgit in the following words:

The liberation of Kashmir is a cardinal belief of every Pakistani. It is an integral part of the Pakistan resolution and Pakistan would remain incomplete until the whole of Kashmir has been liberated (P.N. 8.10.50).

As to the manner of "liberation," the possibility of war was apparently not ruled out by responsible Pakistani officials. This was indicated during the debate on Kashmir in the North West Frontier Province Legislative Assembly on September 27th, when Premier Abdul Qayyum Khan declared, if India was not agreeable to having a free plebiscite there was no other alternative except war and both the Provincial Government and the Pakistani Central Government shall have to respect the wishes of the people of Pakistan (C.M.G. 30.9.50).

During a momentous parliamentary debate on the Kashmir problem on October 5, 1950, the Prime Minister of Pakistan expressed the prevailing official view in these words: "For Pakistan, Kashmir is a vital necessity; for India it is an imperialistic adventure." As for the Dixon Report, he declared: ". . . I feel that his recommendation (of partition and plebiscite in the Valley) is only the counsel of despair" (Text: P.A. 13.10.50).

In the same debate, Shaukat Hayat Khan, a leader of the left-wing opposition Azad Pakistan Party, termed Pakistani policy muddle-headed and recommended that Pakistan should leave the U.N. With reference to the appropriate method of solution, the President of the East Pakistan Muslim League suggested that "the last argument is the sword" (D. 6.10.50). This latter view was echoed some six weeks later by Sardar Mohammad Ibrahim Khan, a former Premier of the Azad Kashmir Government: "The only solution now lies in the revival of our war of liberation" (C.M.G. 27.11.50).

Indian dissatisfaction with the Dixon Report was also widespread. On August 24, 1950, Pandit Nehru criticized its recommendations in these words:

(The proposal) for pushing out the present Government of Kashmir just to please Pakistan (was) a proposal for the appeasement of the aggressor. (It meant that) you want the aggressor to succeed . . . It seems to me really an extraordinarily illogical approach to this question. So far as the Government of India are concerned, it is absolutely impossible for them to accept it, whatever the consequences. There the matter ends (H.T. 25.8.50).

In order to appreciate the widespread disillusionment engendered by the Dixon Report, it is necessary to bear in mind the Indian and Pakistani conviction that U.N. policy in Korea contrasted sharply with its policy in Kashmir. For almost three years Kashmir had been a serious bone of contention in the international politics of Asia. For more than two years it had been under consideration by the Security Council. And yet, the only major achievement of the United Nations *vis-à-vis* the Kashmir dispute had been the Cease-Fire Agreement of January 1, 1949.<sup>5</sup>

It is true that both parties had accepted the Commission's Resolutions of August 13, 1948 and January 5, 1949. It is also true that these resolutions embodied the broad outlines of a solution, namely an overall plebiscite. Nevertheless, the central fact for Indians and Pakistanis was the failure of the United Nations to secure an agreement on the implementation of the scheme for a plebiscite.

<sup>5</sup>As for the effectiveness of the Cease-Fire Agreement, Dixon noted: "Incidents . . . occurred frequently . . . but . . . nearly all proved of small importance relatively and none threatened a general outbreak of hostilities." (S/1791, September 15, 1950, p. 4.) A similar view was expressed by UNCIP in its final report. See S/1430, December 9, 1949, para. 164. On June 12, 1951, the executive assistant to the U.N. Secretary-General reportedly stated in Karachi that the Cease Fire was being observed "quite satisfactorily." *Times of India*, Bombay, June 13, 1951.

Both India and Pakistan were bitter at what seemed to be lethargy and indifference in the case of Kashmir as compared with the decisive action of the U.N. in the Korean war. Both interpreted this contrast as evidence of their contention that the United Nations acted decisively only when the vital interests of one or more of the Great Powers were at stake.

India's disappointment was even more profound than that of Pakistan for to India the Korean war appeared to be, in its origins, an exact replica of the Kashmir dispute. India had raised the issue in the Security Council, charging Pakistan with aggression in Kashmir, just as North Korea was accused of aggression against the Korean Republic. However, in the case of India's request for U.N. action, little attention was devoted to the question of aggression *per se*, the emphasis being placed on other aspects of Indo-Pakistan relations which India considered irrelevant to the matter under consideration. By contrast, the United Nations acted swiftly on the Korean question and, within forty-eight hours, had passed a resolution in favour of military sanctions.

Typical of Indian press reaction to U.N. policy in Kashmir, as compared with Korea, is the following extract from the *Hindusthan Standard* on July 26, 1950:

. . . it is the United Nations and the Western Powers (not India, as suggested by the *New York Times* on July 22, 1950), who have applied two different yardsticks in calculating the aggression in Korea and that in Kashmir. For Kashmir, the U.N. Security Council has not even now been able to make up its mind to name and denounce the aggressor. For Korea, on the other hand, the Security Council did not take years, months or even days to denounce the aggressor and approve armed action. It took a few hours only to reach this most unprecedented decision in the history of the United Nations. There was urgency for this, it might be urged. The contrast nevertheless is striking between the Security Council's boggling over Kashmir and rush for action in Korea . . . it will not do to say . . . that aggression is aggression only when a power bloc declares it to be so.<sup>6</sup>

The effect in Azad Kashmir and Pakistan was similar. On August 30, 1950, the *Jammu and Kashmir Muslim Conference* criticized United Nations policy and, with obvious reference to U.N. action in Korea, called upon the Security Council "to apply the enforcement of measures amply provided in its Charter . . . in the event of further

<sup>6</sup>A similar view was expressed by the following: *Amrita Bazar Patrika*, Calcutta, July 25, 1950; *National Herald*, Lucknow, July 27, 1950; *Deccan Herald*, Bangalore, August 26, 1950; *Bharat*, Bombay, September 3, 1950.

non-compliance by India of its directives" (D. 31.8.50). On September 15, 1950, *Dawn*, the semi-official organ of the Pakistani Government, made a pointed editorial reference to Korea and Kashmir. Echoing the theme of the Indian press, as noted above, it merely reversed the role of India and Pakistan and termed its neighbour an aggressor which should be treated by the United Nations in the same manner as North Korea.

Although the Dixon Report had revealed a complete impasse, the Security Council refrained from further consideration of the dispute for more than five months. While India was not unduly disturbed, Pakistan stressed the need for immediate U.N. action. Indeed, the reluctance of the Security Council to reopen the question was sharply criticized by its spokesmen as acquiescence in the Indian "occupation" of most of Kashmir.

The extent of Pakistan's bitterness found expression on December 17, 1950, in the threat of Mr. Gurmani, then Minister for Kashmir Affairs, to withdraw its U.N. delegation if discussion were not renewed in the near future (P.A. 5.1.51). The Pakistani press was no less sparing in its denunciation, but directed its attention more to the U.S. and the U.K. than to the United Nations itself.

On December 15, 1950, the *Civil and Military Gazette* wrote:

The democracies profess to stand for human rights but in Kashmir they have shown little solicitude for this great principle. In fact, they have, for reasons best known to themselves, sacrificed those rights to the demands of expediency.

Thirteen days later, the *Pakistan Times* asserted:

When we say that principles are being sacrificed for expediency, it is obvious that the principles thus sacrificed are principles of the United Nations, but the expediency that is being served is the expediency of the British and the Americans. When we say that Asia is losing faith in the United Nations, what we really mean is that it is losing faith in the bona fides of the British-American policies in the East.

That this dissatisfaction was shared by the highest official circles in Pakistan was revealed on the eve of the Commonwealth Prime Ministers' Conference in London at the beginning of 1951. In an effort to focus world attention on the Kashmir dispute, and to persuade the Security Council to reopen the question, the Pakistani Prime Minister dramatically announced on December 30, 1950, that he had cancelled his trip to London because the Kashmir dispute had not

been placed on the agenda of the Conference. After five days of international publicity and an exchange of cables between Attlee and Liaquat Ali Khan the latter finally consented to attend the Conference.

What transpired at this Conference *vis-à-vis* Kashmir was divulged by the Pakistani Prime Minister on January 16, 1951. According to him, three suggestions were made to solve the problem of demilitarization: (a) India and Pakistan should station a combined force in Kashmir during the plebiscite; (b) the plebiscite administrator should be authorized to raise a local Kashmiri force for the plebiscite period, all other troops to be withdrawn; and (c) forces from other Commonwealth nations should be stationed in Kashmir during the plebiscite.<sup>7</sup>

Liaquat Ali Khan gained considerable stature both for his country and its attitude to the Kashmir dispute when he related that he had accepted all the suggestions and Nehru had rejected them. India was taken unawares by this development and, in reply to Liaquat's press statement, Nehru merely claimed that "some of the suggestions made are fantastic" (N.Y.H.T. 18.1.51. Paris ed.). Although this Conference did not succeed in breaking the deadlock, the proposals were to be raised once again, albeit without success, in the Security Council debates the following month.

<sup>7</sup>*New York Herald Tribune* (Paris edition) January 17, 1951. It is of some interest to note that the suggestion of a Commonwealth force had been made by the Pakistani Prime Minister more than three years before in a telegram to the British Prime Minister dated November 24, 1947. S/P.V. 229, January 17, 1948, p. 98.

## CHAPTER VII

### *The Graham Mission, 1951-1953*

#### *A. The Mediator's Terms of Reference*

The lengthy period of U.N. silence on the Dixon Report was finally broken on February 21, 1951, with the introduction of a joint United Kingdom-United States draft resolution. In essence, it

(a) provided for the appointment of another U.N. Mediator to succeed Dixon and instructed him to effect the demilitarization of the State on the basis of the Resolutions of August 13, 1948 and January 5, 1949;

(b) directed the Mediator to take into consideration the recommendations of the Dixon Report (i.e. the possibility of partition and plebiscite), and the stationing of foreign troops in Kashmir during the plebiscite;

(c) called on India and Pakistan to accept arbitration of all points of difference (in the interpretation and execution of the mutually-accepted Resolutions of August 13 and January 5) should the Mediator fail to secure agreement;

(d) criticized India for sanctioning the convening of the Kashmir Constituent Assembly.<sup>1</sup>

An examination of these provisions, in terms of the various Security Council Resolutions which have already been analyzed, reveals that this resolution was merely an amalgam of earlier suggestions which had failed to break the impasse.

As might have been expected, in view of India's previous reaction to these proposals, Benegal Rau informed the Security Council on March 1, 1951, that India was "wholly unable" to accept the draft

<sup>1</sup>The full text of this draft resolution and the elaboration of its provisions by the sponsors is to be found in S/2017 and S/P.V. 532, February 21, 1951.



**Resolution.** Moreover, in accordance with Dixon's final recommendation, and Nehru's frequently-expressed preference for a bilateral solution, the Indian delegate suggested:

. . . the State is gradually settling down to some kind of ordered life (and) the Security Council might do worse than to follow Sir Owen Dixon's advice, and let the initiative now pass back to the parties (S/P.V. 533, 1.3.51, pp. 11, 9).

After further debate, with both parties restating the essentials of their case, the United States and the United Kingdom submitted a revised version of their resolution on March 21st. In deference to the parties, it removed certain significant provisions of the original draft including the suggestion that Kashmir might be patrolled by U.N. troops during the plebiscite, to which India had always objected, and the implied reference to the possibility of partition, which Pakistan had rejected when first proposed by Sir Owen Dixon (Text: S/2017/Rev. 1, 21.3.51).

In the brief debate that followed, all but one of the Council members who commented on the revised draft resolution expressed a favourable attitude, particularly to the provision calling for compulsory arbitration. The Brazilian delegate declared that "there is no other way of resolving the existing impasse . . . than by having recourse to arbitration." In a similar vein, the Turkish representative declared: ". . . the only way for deciding such minor issues on which the parties may not agree, would be to submit them to impartial arbitration." In the opinion of the Dutch delegate, the revised draft resolution was "a new and . . . fair effort to find an equitable and peaceful solution . . ." and, since all other methods had proved unsuccessful, "arbitration seems therefore to be in order."

The spokesman of Ecuador was also convinced that "the recommendation for arbitration . . . is both relevant and wise," and the French and Chinese delegates expressed their agreement with the resolution as a whole. Moreover, the latter sharply criticized the Indian plan of proceeding with a Constituent Assembly in that part of Kashmir under Sheikh Abdullah's regime. The Chinese representative argued that

a constitution adopted before the plebiscite would have the tendency . . . of making a formal definitive relationship of Kashmir to India . . . Such tendencies or appearances (he added) may arouse suspicions and passions which may make the solution of the problem more difficult than it is now.

Only the Yugoslav delegate disagreed with these views. In explaining why he would abstain, he expressed disbelief in the use of arbitration stating that "such a course would not merely in all probability prove futile, but might even impair what chances still remain of reaching an understanding . . ." Rather, in accordance with Dixon's recommendation, the Security Council should continue "to assist the parties gradually to narrow (the existing disagreements) in direct contact and by their own efforts."<sup>2</sup>

The revised U.K.-U.S. draft resolution was finally adopted on March 30, 1951, by a vote of 8 to 0, with India, the U.S.S.R. and Yugoslavia abstaining. Pakistan welcomed this resolution particularly because it condemned the proposed Constituent Assembly for Indian Kashmir. It also derived satisfaction from the fact that the resolution gave international sanction to its long-held view that should negotiation and mediation prove ineffective, the parties should resort to arbitration of differences in interpretation in an effort to facilitate the solution of the Kashmir problem and, indeed, all other Indo-Pakistan disputes.<sup>3</sup> Thus, on April 2, 1951, Zafrullah Khan informed the Council that Pakistan accepted the Resolution of March 30th "in all its parts and aspects—and particularly paragraph 6" (calling for arbitration of the points of difference) (S/P.V. 540, 2.4.51, p. 6).

On the same day Nehru categorically rejected this resolution, stating that the original draft was "most extraordinary and objectionable" and that the final draft (as adopted), although an improvement, contained provisions (notably arbitration) which were "completely unacceptable" (H.T. 3.4.51).

On April 30, 1951, the Security Council appointed Dr. Frank Graham as United Nations Representative for India and Pakistan, i.e. the Mediator for the Kashmir dispute. In accepting this position and the legacy of failure bequeathed by the Security Council, the U.N. Commission, General McNaughton and Sir Owen Dixon, Dr. Graham took upon himself one of the most delicate tasks in the post-war world. Mediation was made even more difficult by the fact that ". . . today the issue is more difficult to solve than it was at the outset

<sup>2</sup>The above quotations are taken from S/P.V. 538 and 539, March 29 and 30, 1951.

<sup>3</sup>The Prime Minister of Pakistan stressed this view in his correspondence with Nehru from December, 1949, to December, 1950. See *Government of India: Correspondence which has taken place between the Prime Ministers of India and Pakistan on the subject of the "No War Declaration,"* New Delhi, 1950.

for in these three years India and Pakistan have formulated their points of view into positions as fixed and unyielding as the cease-fire line itself."<sup>4</sup>

The successor to Sir Owen Dixon is a distinguished American who had been president of the University of North Carolina, and had established a nation-wide reputation for successful mediation. More recently, he had gained considerable international renown for his achievements as a member of the United Nations Indonesia Commission and, for a short period, had represented North Carolina in the United States Senate. However, in spite of his background, particularly his mediation in the Indonesian case, the tension which existed in the sub-continent augured ill for his mission.

### B. *Psychological Warfare in the Summer of 1951*

The major bone of contention during this period and, indeed, the specific issue around which an unprecedented war of words was to centre in the summer of 1951, was the decision to proceed with the plans for the formation of a Constituent Assembly in Indian Kashmir.<sup>5</sup> On May 4, 1951, Pakistan asked the Security Council to take urgent action to prevent the convening of this Assembly. In deference to its request, the Security Council informed India on May 29th that such a step "would involve procedures which are in conflict with the commitments of the parties . . ." (S/2181, 31.5.51).

Notwithstanding this rebuke, Sheikh Abdullah declared to the National Conference on June 2nd that elections to the Constituent Assembly would be held in September, 1951. The following day, the National Conference unanimously rejected the Security Council's "arbitration resolution" of March 30th, accused it of violating the U.N. Charter's provision guaranteeing the right of self-determination, and charged the U.N. with partiality to Pakistan (Text: T. of I. 4.6.51).

Pandit Nehru supported this attitude to the Resolution of March 30th when, during his visit to Kashmir on June 3-4, he stated that

<sup>4</sup>W. G. Graham in the *Christian Science Monitor*, Boston, December 7, 1950.

<sup>5</sup>The first indication that a Constituent Assembly was being planned was the announcement of Sheikh Abdullah on October 29, 1949, that it would be convened within six months. Almost exactly a year later he stated that it would be set up some time in 1951. Then, on March 4, 1951, it was announced that it would be held in June, 1951. There was a further delay, and September, 1951, was finally fixed for the elections. The opening of the Assembly was held in Srinagar on October 31, 1951, the fourth anniversary of the establishment of the Interim Government with Sheikh Abdullah as Head of the Emergency Administration.

while Dr. Graham would be received courteously, he would receive "no help in implementing the Resolution" (T. of I. 5.6.51). On June 11th, however, the Indian Prime Minister injected a note of conciliation when he informed a press conference that the decisions of the Constituent Assembly would not affect India's obligations to carry out a plebiscite on the basic issue of Kashmir's final accession (H.T. 12.6.51).

In Pakistan, concern at the lengthy delay in solving the dispute was reflected in *Dawn's* editorial of June 8, 1951, entitled "Chastise the Brigand" (presumably Nehru):

. . . Here is the brigand who has robbed the Kashmiris of their freedom and placed them under the heel of his troops . . . There is no longer any time to waste in idle argument. We suggest that our Foreign Minister should proceed to the U.S.A. forthwith and demand that the Security Council immediately denounce Bharat (India) as an aggressor and issue to it clear and strong directives providing for sanctions in case of disobedience. He should tell the Security Council that unless it acts Pakistan must.

On June 12th, Pakistan's Foreign Minister stated that if India persisted in "repudiating" all principles of solution, Pakistan would "stand no nonsense . . . India goes on repudiating every honest and fair method of settlement. You can imagine what the consequences will be" (D. 13.6.51). Six days later, Sardar Mohammed Ibrahim Khan, the former Prime Minister of the Azad Kashmir Government, asserted: "The Kashmir issue will not be settled in Lake Success but will be decided only on the battlefield" (C.M.G. 19.6.51). Then, on June 21st, Zafrullah Khan suggested that Pakistan is not thinking in terms of war "but we do not know what India might force us or the people of Pakistan into by its intransigence" (N.S. 22.6.51).

Just before the arrival of Dr. Graham, India accused Pakistan of half-a-dozen violations of the Cease-Fire Agreement. On June 29th, Nehru protested sharply to the Security Council and criticized as well the "fanatical warmongering propaganda that is daily growing in Pakistan." He concluded by suggesting that these alleged raids and propaganda "justify the suspicion that they are part of a planned programme calculated to lead, if unchecked, to the outbreak of hostilities between the two countries" (S/2225, 30.6.51).

On July 3, 1951, just three days after the arrival of the Mediator in the sub-continent, the Prime Minister of West Punjab (Pakistan) reportedly expressed the view that ". . . there is little room left for

mediation" (T. of I. 5.7.51). The next day, the *Times of India* commented upon the alleged violations of the Cease-Fire line in these words:

If Karachi believes that by such tactics it can intimidate the Government and people of this country, it mistakes the temper of India. Delhi has always been willing to parley with reason but sword will be met by the sword . . . If hostilities unfortunately break out again, they cannot be confined to the territory of Kashmir and will involve a full-scale war between the two countries neither of whom can afford this costly adventure. Pakistan is playing with fire.

On July 6th, Sheikh Abdullah reiterated the decision to convene the Kashmir Constituent Assembly, perhaps in reply to Pakistan's renewed demand, on June 15th, that the Security Council act to prevent such a step. Then, on July 10th, the Deputy Prime Minister of Kashmir asserted that Kashmir was strong enough "to meet any threat from Pakistan" (S. 11.7.51).

It was in this atmosphere of distrust and tension that Dr. Graham began his conversations in Karachi and Delhi, and then in Srinagar and Azad Kashmir. To make matters even more difficult, Pakistan's Prime Minister announced on July 15, 1951, that the bulk of the Indian Army, including its armoured formations, had been concentrated on the Pakistani frontiers (D. 16.7.51). This was followed by a significant exchange of telegrams between Liaquat Ali Khan and Pandit Nehru, each reiterating the charges and counter-charges about the other's motives and intentions. It is worth noting the substance of this correspondence because, as Dr. Graham related in his first report to the Security Council,

The issues raised (by the two Prime Ministers) were the centre of public debate and comment and to a large extent dominated the political scene on the sub-continent throughout the mission's stay in the area (S/2375, 15.10.51).

In his first telegram to Pandit Nehru, the Pakistani Prime Minister requested the removal of "the threat to the security of Pakistan created by the forward move of your armed forces."<sup>6</sup> Nehru replied on July 17th that

continuous and intensive efforts have been made to increase the

<sup>6</sup>The complete text of this correspondence, from which the following quotations and details are taken, is to be found in Government of Pakistan: White Paper: *India's Threat to Pakistan: Correspondence between the Prime Ministers of Pakistan and India, July 15-August 11, 1951*, Karachi, 1951. The full text of this exchange of telegrams is also to be found in Government of India: White Paper: *Indo-Pakistan Relations. Correspondence between the Prime Ministers of India and Pakistan from July 15, 1951, to August 9, 1951*, New Delhi, 1951.

armed forces of Pakistan which have been largely massed on Indian frontiers. In addition to this, an intensive and astonishing campaign for Jihad (holy war) and war against India has been carried on not only by newspapers but by responsible authorities in Pakistan . . . My Government cannot ignore this continual talk and preparation of war in Pakistan . . .

He reiterated his eighteen-month-old proposal for an unconditional no-war declaration, and requested the termination of the Jihad campaign.

Three days later, Liaquat Ali Khan referred to the Jihad propaganda in these words:

You have been at pains to distort the significance of expressions of discontent which have appeared in the Pakistan press over your persistent refusal to allow a peaceful solution through a free plebiscite in Kashmir. You have construed the expression of the natural desire for the liberation of Kashmir as propaganda for war against India.

The Pakistani Prime Minister also asserted that the Indian defence budget had risen considerably in the last two years; further, that the only feasible no-war declaration was that which he had suggested throughout 1950, namely that all Indo-Pakistan disputes should be submitted to arbitration if negotiations and mediation, for a period of two months each, fail to resolve the disputes.

Pandit Nehru replied once again on July 23rd, rejecting the reference "to our budget figures (as) irrelevant and misleading as these reflect certain economic factors, such as rise in prices and changes in exchange value." On the contrary, he declared, the size of the Indian Army was reduced by 52,000 men in the current year. With regard to Pakistani propaganda, he expressed surprise that "you should dismiss the virulent and persistent propaganda in favour of Jihad . . . as 'expressions of discontent' . . . Threats of war over Kashmir in (the) Pakistan press have occurred almost daily for many months." Once again he proposed a no-war declaration "without strings attached," i.e. "a declaration by your Government that on no account will they attack or invade Indian territory."

In his next communication, the Pakistani Prime Minister submitted a "peace plan" which called for:

- (1) the immediate withdrawal of troops from the frontier areas;
- (2) a mutual reaffirmation that the Kashmir problem will be settled by a plebiscite, with mutual acceptance of the Security Council's arbitration of all points of difference in the interpretation

and implementation of the UNCIP Resolutions of August 13, 1948, and January 5, 1949;

(3) a declaration renouncing the use of force as a method of settling disputes as well as an expression of willingness to submit to arbitration all disputes incapable of solution by negotiation or mediation;

(4) the termination of war propaganda; and

(5) the signing of a no-war declaration.

Liaquat Ali Khan also invited Nehru to visit Karachi in connection with this plan but only after "the first essential step towards the restoration of a peaceful atmosphere, namely, the withdrawal of the concentration of forces, has been carried out."

It would seem that any no-war declaration signed by Pakistan would not be applicable to Kashmir for, Liaquat Ali Khan declared to Nehru, "According to the agreement embodied in these (UNCIP) resolutions, Kashmir is not Indian territory . . ." The exclusion of Kashmir from any no-war declaration is further illustrated by his remark that "Rawalpindi (is) one hundred and eighty miles away from your frontiers;" this town, which is the seat of the Pakistan Army H.Q., is within twenty miles of the Kashmir border.

India's Prime Minister responded on July 29th and expressed his willingness to accept points 4 and 5, as noted above. Not unexpectedly, he rejected points 2 and 3, which had been the subject of correspondence between the two Prime Ministers for almost eighteen months without mutual satisfaction. As for point 1, and the invitation extended by the Pakistani Prime Minister to visit Karachi, he declared:

I am led to think that your invitation could not have been seriously meant because the condition that you attach to it was obviously such that, in the present circumstances, could not be accepted by us. The condition, in effect, was that we should accept your main argument, which we challenge and consider wholly wrong.

The Indian Prime Minister then reciprocated the invitation, "to discuss these matters without any preconditions."

Liaquat Ali rejected Nehru's invitation on August 1st. Thereafter, the correspondence gradually petered out, with the two Prime Ministers merely restating the essentials of their diametrically-opposed approach to an easing of the tension, as discussed above.

Amidst this official exchange of views, the war of words continued

unabated. On July 17, 1951, Manzour-ul-Haq, a leader of the opposition Jinnah-Awami (people's) Muslim League openly called for war against India:

. . . It is only a crushing military defeat that can bring Bharat (India) to its senses. It is my unshakeable belief that the issue of contention between Bharat and Pakistan cannot be settled by peaceful negotiations but by iron and blood. War with Bharat means war between Kufr (infidel) and Islam (D. 18.7.51).

Four days later, in referring to Liaquat Ali Khan's cable of July 20th, the *Times of India* remarked:

When a man having set a house on fire demands that the fire brigade should withdraw, it would seem to objective observers a curious way of quenching the conflagration.

During the next few weeks, leaders in different parts of India and Pakistan urged unity and calmness in the face of potential disaster, while prominent officials and newspapers on both sides continued to blame each other for the dangerous situation. The prevailing Indian view was expressed by the Food Minister at the time, Mr. Munshi, who declared:

For the last one year from the Pakistan Prime Minister downwards, war threats are being hurled at India. The country rings with the cry of Jihad . . . Loudly it was proclaimed that Kashmir must be "liberated" . . . We have borne all this provocation with exemplary patience, because we do not believe in war. Except for a small and thoughtless section of our people no one wants partition to be revoked (T. of I. 28.7.51).

It is true, as Mr. Munshi claimed, that during the height of this crisis in Indo-Pakistan relations the overwhelming majority of influential persons and organizations in India, as well as the Press, were united behind Pandit Nehru's policy on Kashmir. On frequent occasions representatives of the forty million Indian Muslims denounced the cry of Jihad and expressed their full confidence in the Indian Government and Pandit Nehru's leadership. The Sikh community, as well, declared its full support for Pandit Nehru's policy; even Tara Singh, the *bête noire* of the Congress in Sikh and Punjab politics, asserted that the Sikhs would wholeheartedly support the Government in the event of war.

Political parties, too, rallied behind the Government. Indeed, the only prominent dissenting voice was that of Dr. Shayama Prasad Mookerjee, the President of the Hindu communalist *Bharatiya Jana*



*Sangh* (the political counterpart of the R.S.S.). For a long time associated with the Hindu Mahasabha, he had resigned from the Indian cabinet in April, 1950, because of Pandit Nehru's alleged appeasement of Muslims as exemplified by the Delhi Pact on Minorities. On July 28, 1951, Dr. Mookerjee asserted:

It is the weak and vacillating policy of Mr. Nehru which has worsened the Kashmir situation and emboldened Pakistan to take up a defiant attitude . . . India should withdraw the Kashmir case from the U.N. and unhesitatingly give a firm warning to Pakistan. If Pakistan does not withdraw her troops from Kashmir within a stated period, India will deem it as an act of aggression on herself and Pakistan will then be responsible for all natural consequences (T. of I. 29.7.51).

In spite of this criticism, however, Mookerjee called upon all parties to sink their differences and to support the Government in the national emergency.

In Pakistan, too, there was virtually no dissent on the Kashmir issue. All parties and almost all newspapers supported the Jihad campaign, the difference being only one of degree and tone. At one end of the pendulum was the left-wing opposition *Pakistan Times*, which focussed its attention more on the consequences of the continuation of the dispute. Typical of its approach is the following extract of its editorial on September 15, 1950:

The importance of compelling the Security Council to insist on a free vote in Kashmir need hardly be stressed for if the majority group in the U.N. goes on playing for India's support . . . (this will not only) further damage the U.N.'s reputation but it may well lead to a full-fledged war between India and Pakistan.

The widespread extremist position was reflected in the following editorial of *Dawn*, on July 23, 1951:

. . . Only the wily Brahmin in Pandit Nehru, with Chanakya (the great Indian exponent of power politics) lurking in his soul and Machiavelli swaying his intellect, could have, after this, the audacity to claim that (India's policy continues to be peaceful) . . . A crisis has been reached in Indo-Pakistan relations where no dilly-dallying will do . . . If the monster of aggression is not immediately crushed, the situation, with the speed at which it is deteriorating, can only get out of hand and engulf the islands of stability that still remain in Asia.

The tone of Pakistani press comments and statements of responsible officials remained at a high pitch. On July 27th, in the course of a mass meeting to celebrate "Defence Day," the Pakistani

Prime Minister raised his clenched fist and said: "Our symbol from today is this" (D. 28.7.51).

That high tension existed in Pakistan was apparent from the series of blackouts, mock air-raids and civil defence measures in every major city during the first half of August, 1951. Official concern was reflected in the following statement of the West Punjab Premier on August 9th: "What we must do is to bring the country on a war footing and keep it there" (P.T. 10.8.51). Twelve days later, the Pakistani Prime Minister accused the U.N. of "sitting idle on the Kashmir issue" saying that "if peace in this part of the world is disturbed, the responsibility will be entirely India's as well as of nations controlling the affairs of the U.N. Security Council" (D. 22.8.51). Then, on September 11th, Liaquat Ali Khan reaffirmed Pakistan's intention to carry on the struggle for Kashmir:

Do not think that Pakistan, no matter what the consequences, can sit in peace and rest without liberating you . . . We are determined not to rest until Kashmir is liberated (D. 13.9.51).<sup>7</sup>

The mood of Indian Kashmir during Dr. Graham's first visit to the sub-continent was reflected in the following remarks of Sheikh Abdullah: "No power on earth and no amount of blackmail and intimidation can deflect us from electing and convening the Constituent Assembly" (T. 31.8.51).

While this tension in the sub-continent was reaching dangerous proportions, Dr. Graham continued to pursue his negotiations, with little intimation of the nature or progress of his mediation effort. Then, amidst rumours of Pakistan's acceptance and India's rejection of his demilitarization proposals, he departed for Geneva to prepare his report, which was submitted to the Security Council on October 15, 1951.

### C. *The First Graham Report*

The contents of Dr. Graham's first Interim Report,<sup>8</sup> the publication of which coincided with the assassination of Liaquat Ali Khan, came as somewhat of a surprise. Unlike his predecessors, and in

<sup>7</sup>The most useful collection of materials relating to propaganda in the sub-continent during Dr. Graham's first visit is to be found in two Indian and two Pakistani White Papers: See Government of India: *Pakistan's War Propaganda Against India*, (September, 1950-June, 1951), (July 1, 1951-August 15, 1951), New Delhi, 1951. See also Government of Pakistan: *India's War Propaganda Against Pakistan*. (Since Delhi Agreement, dated 8.4.50), (August 1, 1951-September 15, 1951), Karachi, 1951.

<sup>8</sup>The complete text of Dr. Graham's first report, from which the following quotations and details are taken, is to be found in S/2375, October 15, 1951.

contrast to press reports of his complete failure, he expressed the view that “. . . although he does not underestimate the difficulties, the possibility of arriving at a basis of agreement between the two Governments is not excluded.”

After outlining his terms of reference under the Resolution of March 30, 1951, Dr. Graham stated that the situation in the sub-continent during his eleven-week visit was “largely characterized by the existence of great tension between the two Governments.” Another “disturbing element,” in his opinion, was “the question of convening a Constituent Assembly in the State of Jammu and Kashmir.”

The demilitarization programme suggested by Dr. Graham took the form of a draft Indo-Pakistan Agreement. In essence, it provided for “a single continuous process” to be completed in ninety days, during which time there will have taken place

- (a) the withdrawal of the tribesmen, Pakistani nationals not normally resident in Kashmir, and Pakistani troops;
- (b) “large-scale disbanding and disarming of Azad Kashmir forces”;
- (c) the withdrawal of the *bulk* of Indian troops; and
- (d) further withdrawals of Indian troops and reduction of Kashmir State Forces after the ninety-day period.

India was prepared to withdraw the *bulk* of its forces plus *some* of the remainder, which would leave on the Indian side of the cease-fire line one line of communication area HQ and four brigades of four battalions each. However, this was conditional upon the *complete* disbandment and disarming of Azad Kashmir forces, leaving on the Pakistani side of the cease-fire line only a civil armed force of 4,000 people (half of whom would be followers of the Azad Kashmir movement), to be commanded by United Nations, not Pakistani, officers.

Pakistan was prepared to accept “large-scale disarming and disbanding of the Azad Kashmir forces” but only on condition that the “balance” and not merely some of the remaining Indian troops would be withdrawn after the ninety-day period. Actually, Pakistan preferred the retention of four infantry battalions on *both* sides of the cease-fire line, but it was prepared to accept “some slight difference in the strength or description of the two forces.”

As for the Plebiscite Administrator, Dr. Graham suggested that his formal appointment by the Kashmir Government should be ensured by India “not later than the final day of the demilitarization

period." On this point India expressed the view that the appropriate time for his appointment would be "as soon as conditions on both sides of the cease-fire line permit" and, therefore, the provision regarding his appointment should be omitted from the Draft Agreement. Pakistan, on the other hand, desired his appointment "as much in advance of the final day of demilitarization as possible."

It is interesting to note that whereas India had strongly objected to compulsory arbitration, as embodied in the Resolution of March 30, 1951, it did not criticize the provision in Dr. Graham's Draft Agreement which stated that the decision of the U.N. Representative would be final on all points of difference regarding the demilitarization programme. In short, the principal points of difference encountered by Dr. Graham during his first round of negotiations were: *the period of demilitarization, withdrawal of troops, size of the remaining forces on each side of the cease-fire line after the demilitarization process was completed and the question of a plebiscite administrator.*

At the conclusion of his first report, the Mediator recommended that the Security Council call upon India and Pakistan to avoid all war-like actions and statements and that further negotiations be carried on regarding the remaining points of difference, with the U.N. Representative reporting back to the Security Council after six weeks.

Three days after his report was published, Dr. Graham addressed the Security Council. Emphasizing the importance of solving the dispute, he said:

Upon the settlement of their differences may largely depend the peace, freedom, welfare and progress not only of the two nations on the sub-continent but also of all the nations on the earth.

He added that an agreement on demilitarization would not only pave the way for the long-awaited plebiscite in Kashmir but "would give a lift to the spirit of peoples anywhere struggling to be free." Finally, he pointed to the world significance of solving the Kashmir problem and suggested that it

would strengthen the democratic and moral ties of the Indonesian, Southern Asian, North African, South-Eastern European and Mediterranean world, not as a bloc but as a spiritual force for freedom and peace, and might bring about a reorientation of the relations of East and West for a decisively human turn in the tragic history of our times (Quotations: S/P.V. 564, 18.10.51).

Because of the assassination of Liaquat Ali Khan the day after the report was published, Pakistan's official reaction was not immediately forthcoming. The press, however, responded immediately with severe criticism. In an atmosphere of gloom, created by the loss of the Pakistani Prime Minister, *Dawn*, the most influential Pakistani newspaper, wrote as follows on October 17th:

It has done the United Nations no good that Dr. Graham's responsibility-shirking report should have reached here about the same time as this great national loss. On that report we shall have much to say, but we declare—even as we mourn Liaquat and prepare to bury him—that Dr. Graham has scattered salt upon our wounds.

Three days later, the *Pakistan Times* expressed the view that Dr. Graham's first report

is certain to cause world-wide disappointment . . . The recommendations . . . are bound to deepen the prevailing sense of frustration . . . In actual fact the impression . . . is that it renounces objectivity, indulges in vague generalities (with the exception of the criticism of the Constituent Assembly) . . . Dr. Graham has clearly evaded the inconvenient, though important, duty of affixing responsibility for lack of agreement . . .

On October 21, 1951, the *Civil and Military Gazette* stated:

It is unfortunate that Dr. Frank Graham . . . indulged in comments which will only add to the existing complications . . . He echoed the Bharat (India) propaganda of the so-called "holy war" talk in Pakistan, thereby rousing . . . religious prejudices against this country . . . It is disappointing that a distinguished University Professor has only further muddled such a simple proposition (that the only way to end war talk is to remove the basic tension by effecting demilitarization).

In his first major policy statement after assuming the Prime Ministership, Khwaja Nazimuddin gave rise to speculation that a new era in Indo-Pakistan relations was about to begin when he reciprocated Pandit Nehru's statement on the occasion of Liaquat Ali Khan's death:

I say to Pandit Nehru: I am in complete agreement with the statement you made on the death of Mr. Liaquat Ali Khan. I also agree that all the outstanding disputes between India and Pakistan should be resolved honourably and with self-respect at the earliest. The Kashmir problem is the most important of them. Let us first solve this dispute . . . Once the Kashmir dispute is settled, all the remaining disputes, God willing, will be settled peacefully . . . (D. 22.10.51).

As for the Graham report, the newly-appointed Pakistani Prime Minister asserted on October 22nd:

We are very unhappy over this report. We feel that there is no advance made in the situation at all. What we want is a settlement and it should be done as quickly as possible (P.T. 23.10.51).

Two days earlier, the Pakistani Foreign Minister expressed his dissatisfaction when he described the Graham Report as "a factual statement of what according to him he tried to do" (C.M.G. 21.10.51).

Official Indian reaction was delayed partly because the Graham Report appeared when the 57th session of the Indian National Congress was being held in Delhi and partly because India apparently did not want to introduce a further controversy immediately after the murder of Pakistan's Prime Minister. The first official reaction came from U.N. delegate Benegal Rau who said:

The Graham report is very fair . . . The possibility of reaching a solution agreeable to both sides does not seem very remote. (One day earlier, just before leaving New York for Paris, he observed): I don't think Dr. Graham would have asked for an extension if he thought the possibilities of agreement were unlikely (H.T. 22.10.51).

The Indian press, in general, welcomed the report. On October 23rd, the *Hindusthan Standard* suggested that

Dr. Graham's report, urging the withdrawal of Pakistani troops from Kashmir and disbandment and disarming of the Azad Kashmir forces proves . . . conclusively (the validity of the Accession of Kashmir to India).

Four days later, the *Hindustan Times* termed the report "a remarkable document" and expressed the hope that "the Security Council will accept Dr. Graham's suggestion and give him a fresh mandate to carry on his negotiations to a successful conclusion . . ." The Indian press also welcomed the policy statement of the new Pakistani Prime Minister, and, for the first time in many months, expressed the view that a genuine reconciliation between the two countries might well begin in the near future (H.T., H.S., I.N.C. 23.10.51).

After a delay of about three weeks, caused by the transfer of the Security Council to Paris for the Sixth Session of the United Nations General Assembly, the Council took up the Kashmir question once again. In the course of its one-day debate, on November 10, 1951, it passed a U.K.-U.S. sponsored resolution by a vote of 9 to 0, with the U.S.S.R. abstaining and India unable to vote because it is a party to

the dispute. In accordance with Dr. Graham's recommendations, the Resolution directed the U.N. Representative to continue his efforts to secure agreement on a demilitarization programme and, in any event, to report back to the Security Council within six weeks (Text and Debate: S/2392, S/P.V. 566, 10.11.51).

#### D. *The Second Graham Report*

Dr. Graham continued his negotiations with Zafrullah Khan and Benegal Rau in Paris but without success. On December 18, 1951, he submitted a second report to the Security Council and announced his failure to secure agreement on any of the four major points of difference. Of these, he placed special emphasis on the size of forces to remain on each side of the cease-fire line after demilitarization, and the day the Plebiscite Administrator was to be formally inducted.

The only changes suggested were: (a) that the demilitarization process should be completed by July 15, 1952, not after 90 days as originally suggested; (b) that the remaining forces after demilitarization should be a minimum to be determined as a proportion of the armed forces of India and Pakistan in Kashmir at the time of the Cease-Fire Agreement on January 1, 1949. On none of these points was the deadlock resolved.<sup>9</sup>

Pakistani reaction to the Mediator's second report was one of profound bitterness. On December 25, 1951, the Pakistani Prime Minister asserted that "it is an obvious fact that India is determined to enslave the Kashmiris" and added,

We Pakistanis now demand that the Security Council should take the matter into its own hands . . . should direct India to withdraw her forces from Kashmir and then hold a free plebiscite under its own supervision . . . (D. 27.12.51).

The semi-official organ of the Pakistani Government was even more outspoken. On December 28th, *Dawn* reiterated that "Pakistan's patience has a limit and that limit has been reached." Then, on January 16, 1952, it referred to "a pampered and overrated megalomaniac" (presumably Nehru) and reverted to the analogy of Korea and Kashmir.

If the U.N. considers aggression grave only when it threatens the strategic interests of one or other of the Big Powers . . . it makes itself invidious and undermines the very foundations of its authority.

<sup>9</sup>The complete text of the second Graham Report is to be found in S/2448, December 18, 1951.

In Indian Kashmir the response was no more favourable. On January 1, 1952, Deputy Premier Bakshi Ghulam Mohammed expressed the view that "unless there is one internal authority (i.e. recognition of the Kashmir Government's jurisdiction over the entire state) no plebiscite will ever be possible." (T. of I., 2.1.52). The same day Nehru told 400,000 Indians in Calcutta that India would abide by its agreement to hold a plebiscite and reaffirmed that if Pakistan invaded Kashmir, the result would be full-scale war between the two countries (N.S. 2.1.52).

One month after the submission of the second Graham Report, the Security Council met again to discuss the Kashmir dispute. In a comprehensive elaboration of his mediation efforts, Dr. Graham informed the Council on January 17, 1952, that three basic points of his demilitarization programme were still unresolved. These were:

- (1) a definite period for the completion of demilitarization;
- (2) the size and character of forces to be retained on each side of the cease-fire line at the end of the demilitarization period; and
- (3) the date of the formal induction into office of the Plebiscite Administrator.

*Demilitarization Period:* As was noted earlier, the Mediator originally proposed that demilitarization be terminated within ninety days. India objected to this suggestion, urging that the recent "war spirit" in Pakistan made such a period impractical. In deference to this view, and taking into account such "natural factors" as remoteness, difficulty of transport and the climate, which hindered evacuation during the winter and early spring, Dr. Graham proposed an extension to July 15, 1952. This, too, was unacceptable to India.

*Size of Forces after Demilitarization:* In an attempt to secure agreement on this crucial issue, rendered more difficult by such vague terms as "bulk" of Indian forces, and "large-scale disbandment and disarming" of Azad Kashmir troops, Dr. Graham requested the parties to indicate the precise size of the armed forces which they desired to retain in Kashmir after the completion of demilitarization. Pakistan preferred 4,000 on each side of the cease-fire line—including the Kashmir State militia. India proposed the retention of about 28,000 troops on its side of the line, excluding the State militia of approximately 6,000; further, it suggested that on the Pakistani side, there should exist a civil force of 4,000, of whom only half would be armed, and of the total only half would be supporters of Azad Kashmir. Finally, this force should be commanded by U.N. officers. During the



course of the "Paris consultations" in November and December, 1951, India agreed to withdraw an additional 7,000 troops but insisted that this was a final concession, since the remaining force of 21,000 represented less than 25 per cent of the total number of Indian and State armed forces in Kashmir at the time of the Cease-Fire Agreement on January 1, 1949.

*Appointment of Plebiscite Administrator:* On this question, too, the parties were in sharp disagreement. Pakistan stressed the urgency of the Plebiscite Administrator's induction into office, while India insisted that he be appointed formally only after the programme of demilitarization was completed and conditions on both sides of the cease-fire line were such that the arrangements for a plebiscite could be started. The Mediator's contention was that agreement on this issue "would contribute to the further development of a more friendly atmosphere"; further, that the appropriate date for the assumption of office by the Plebiscite Administrator would be the final day of the demilitarization period, namely July 15, 1952. However, neither party found this satisfactory (Text: S/P.V. 570, 17.1.52, pp. 3-12).

At this point, it is of some interest to note India's attitude to the three issues still to be resolved. According to Mr. Setalvad:

The first and third of these, namely a definite period for demilitarization and the date for the formal induction into office of the Plebiscite Administrator, could, I think, be settled without difficulty, provided that agreement were reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization, and that the programme agreed upon for this purpose were satisfactorily implemented (S/P.V. 572, p. 6).

Dr. Graham's elaboration of his second report was followed by a controversial Security Council debate. The most noteworthy feature of this discussion was the lengthy, critical statement of the Soviet delegate—the only forthright declaration of the views of the U.S.S.R. on the Kashmir problem during the first four years the dispute was under U.N. consideration. In essence, Mr. Malik's speech was a vitriolic attack on the United States and the United Kingdom, which he accused of persistent interference in Kashmir for ulterior motives. The Soviet representative charged that all U.N. resolutions and mediation efforts were the creation of the two Western allies and were insincere. He contended that the U.S. and the U.K. had deliberately prevented the genuine solution of this dispute from the very beginning of U.N. deliberations, and added that they harboured

annexationist designs in Kashmir which were part of their global strategy for war against the U.S.S.R. He also openly criticized Dr. Graham, whom he termed an agent of the United States rather than a representative of the United Nations.

These charges are most vividly illustrated by the following extracts from Malik's address to the Council on January 17, 1952:

What is the reason why the Kashmir question is still unsettled and why the plans put forward by the United States and the United Kingdom . . . have proved fruitless . . . It is not difficult to see that the explanation of this is chiefly and above all that these plans . . . are of an annexationist, imperialist nature . . . The purpose of these plans is interference by the United States and the United Kingdom in the internal affairs of Kashmir, the prolongation of the dispute between India and Pakistan . . . and the conversion of Kashmir into a protectorate of the United States and the United Kingdom . . . Finally, the purpose of these plans . . . is to secure the introduction of Anglo-American troops into . . . Kashmir and convert Kashmir into an Anglo-American colony and a military and strategic base.

(As for the provision of the Resolution of March 30, 1951, criticizing the proposed convening of a Constituent Assembly in Kashmir, the Soviet delegate declared): This was nothing but a flagrant act of interference by the United States and the United Kingdom in the internal affairs of the people of Kashmir and a direct violation of the principles of the United Nations Charter.

(With regard to Dr. Graham's query to India and Pakistan about their attitude to the use of U.N. forces to maintain law and order in Kashmir during the plebiscite, he asserted): Mr. Graham had no right to ask (them) that question without the knowledge and authorization of the Security Council . . . Mr. Graham was, it would seem, authorized directly by the Pentagon in Washington.

The most significant remark of the Soviet delegate was his proposed solution of the Kashmir dispute, which seemed to support India's position:

. . . the Kashmir question can be resolved successfully only by giving the people of Kashmir an opportunity to decide the question of Kashmir's constitutional status by themselves, without outside interference. This can be achieved if that status is determined by a Constituent Assembly democratically elected by the Kashmir people (Quotations: S/P.V. 570, 17.1.52).

It is not clear whether this referred to the Constituent Assembly already established in Indian Kashmir or to another assembly comprising representatives of the entire State. Zafrullah Khan declared to the Council, on January 30, 1952: "I have since understood that

his (Malik's) reference was . . . to a new constituent assembly for the whole of Jammu and Kashmir elected under conditions of absolute freedom and impartiality . . ." However, the Soviet delegate neither confirmed nor denied this interpretation. The Pakistani Foreign Minister also tried to reconcile the Soviet and Council views by suggesting that the difference in their proposals was "one of method, not of principle." (S/P.V. 571, 30.1.52, p. 7).

The Soviet accusations were sharply criticized by the other Council members who also rushed to the defence of Dr. Graham. The British delegate, Sir Gladwyn Jebb, termed Malik's charges

really extraordinary fantasies (which) . . . are typical, as I think, of the whole Soviet Union approach to international problems . . . I should like in all seriousness to say that we really must, if we are ever to achieve anything, try to raise at least some of our debates above the level of the low-lying poisonous mists of suspicion . . .

The U.S. representative concurred in Jebb's "response to the truly astonishing statement" of the Soviet delegate and added: "The attacks on Mr. Graham do not merit a reply and do not require a denial." The Dutch spokesman, too, was critical of Malik's charges, stressing the fact that when Dr. Graham was appointed Mediator, the U.S.S.R. refrained from proposing another candidate, although it had the right to do so. In a similar vein, the Brazilian delegate paid "a warm tribute to Mr. Graham for his earnest and painstaking efforts . . ." (Quotations: S/P.V. 570, 571, 17 and 30.1.52).

On January 30, 1952, the British delegate suggested that "because of the success which (he) has had in carrying his negotiations forward," Dr. Graham should continue his mediation effort and report back to the Security Council at the end of March, 1952. All members of the Council except the U.S.S.R. fully approved this proposal and on the following day, without a formal resolution, Dr. Graham was directed by the Council President "to continue his efforts to fulfill his mission and to submit his report, which the Council hopes will be final, within two months." (S/P.V. 572, 31.1.52, p. 8).

### E. *The Third Graham Report*

On April 22, 1952, Dr. Graham informed the Security Council that he had failed again to break the deadlock over demilitarization. However, he did report some progress as revealed by the following developments:<sup>10</sup>

<sup>10</sup>The complete text of the third Graham Report, on which the following account is based, is to be found in S/2611, April 22, 1952.

*Withdrawal of Forces from Kashmir:* By the end of March, 1952, the number of troops on the Pakistani side of the cease-fire line was less than 50 per cent of its armed forces in Kashmir at the time the Cease-Fire Agreement was signed. Moreover, Pakistan informed the Mediator that the tribesmen and all Pakistani nationals not normally resident in Kashmir had left the State. India, too, had begun to withdraw the "bulk" of its forces and had agreed to "withdraw unconditionally" a division of 18,000 men, which would leave on its side of the cease-fire line a force also less than 50 per cent of its troops in Kashmir on January 1, 1949.

*Withdrawal of troops from the frontiers:* Another encouraging development, Dr. Graham noted, was India's decision to withdraw the forces which it had concentrated on the Pakistani frontier in the summer of 1951—from 70 to 450 miles from the border. Pakistan, too, had withdrawn its forces to their normal peacetime stations.

*Plebiscite Administrator:* On this question, too, progress was made, for, as the Indian delegate to the Security Council had indicated, New Delhi saw little difficulty in agreeing on the date for his induction into office—provided that agreement were reached on the forces to be retained in Kashmir after demilitarization was completed.

Herein lay the crux of the problem. As Dr. Graham related:

The chief remaining obstacle is the difference over the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization.

On this point, India reiterated its position, as noted in the analysis of the Mediator's second report. Pakistan abandoned its previous preference for the retention of 4,000 troops by each party and accepted Graham's proposal that the forces to remain in Kashmir at the end of the demilitarization period should be "the lowest possible number . . . based in proportion to the number of armed forces existing on each side of the cease-fire line on January 1, 1949," when the Cease-Fire Agreement went into effect.

In concluding his third report, Dr. Graham recommended that India and Pakistan

- refrain from any increase of their military potential in Kashmir;
- "continue their determination not to resort to force" and to abstain from any incitement to the use of force;
- observe the cease-fire;
- make further withdrawals from Kashmir by July 15, 1952;

Finally, he suggested that he be allowed to continue his negotiations with India and Pakistan to solve the problem of the size of forces to be retained in Kashmir at the end of demilitarization.

Of some interest, too, was his "new approach" to this intractable problem. Dr. Graham expressed the view that the last stage of demilitarization was closely related to the first stage of the preparation of a plebiscite and, therefore, to the functions of the Plebiscite Administrator. For this reason, he proposed that he engage in consultations with the Plebiscite Administrator-designate, Admiral Nimitz, "without prejudice to the . . . formal induction (of the latter) into office . . ."

India expressed its willingness to resume negotiations on the "chief remaining obstacle" but rejected as premature the proposal that the Plebiscite Administrator-designate be associated with Dr. Graham in further talks with the two parties. In Pakistan there was no attempt to conceal the widespread dissatisfaction. *Dawn* reportedly chided Dr. Graham for stressing the progress in demilitarization, stating that the differences on the size of forces and the Plebiscite Administrator "remain altogether unabridged." Along with the *Sind Observer*, it renewed the Pakistani request for arbitration of differences in interpretation as provided in the Security Council Resolution of March 30, 1951 (Reported in E.N. 28.4.52).

#### F. *The Fourth Graham Report*

Dr. Graham continued his negotiations with India and Pakistan, at first in New York from May 29 to July 16, 1952, and then in Geneva from August 26 to September 10, 1952, both without success. In his Fourth Report, submitted to the Security Council on September 16 and his lengthy statement to the Council on October 10, 1952, the Mediator recapitulated in great detail the arduous negotiations undertaken by him and his predecessors.<sup>11</sup> For purposes of this analysis it suffices to note the various proposals which Dr. Graham made in the summer and autumn of 1952 to resolve the one outstanding *technical* obstacle to the implementation of a plebiscite — still unresolved in June, 1953.

<sup>11</sup>The following account is based upon the texts of Graham's Fourth Report and his statement to the Council, S/2783, September 19, 1952 and S/P.V. 605, October 10, 1952.

In his revised proposals for demilitarization of the State, presented on July 16, 1952, Dr. Graham suggested, as a basis of discussion, that Pakistan retain from 3,000 to 6,000 troops on its side of the cease-fire line at the end of the demilitarization period, and India from 12,000 to 18,000. It was to consider this proposal that the two parties agreed to a conference at the ministerial level in Geneva.

The suggested size of forces being unacceptable, Dr. Graham made a specific proposal on September 2nd, namely 6,000 troops on the Pakistani side (as well as 3,500 Gilgit Scouts) and 18,000 on the Indian side of the cease-fire line (excluding the Kashmir State Militia of 6,000). This, too, failed to break the deadlock and so on September 4th the Mediator suggested criteria for the determination of the size and character of forces to be retained. Far less precise than his earlier proposals, it merely called for "the minimum number . . . required for the maintenance of law and order and the cease-fire agreement, with due regard to the freedom of the plebiscite;" as a concession to India's position, the size of forces on its side of the line was to be considered "with due regard to the security of the State" as well. When this suggestion received an unfavourable response, the Geneva Conference came to an end.

The acknowledged failure of still another effort to break the impasse on demilitarization gave rise to vehement expressions of Pakistani dissatisfaction, distrust and dismay. On September 14, 1952, *Dawn* declared:

However commendable may be his seemingly endless patience and however unquestionable may be his motive, it has been clear since his (Graham's) departure from the sub-continent a year ago that he is not quite a free agent . . . he would be extremely ill-advised to put in yet another plea for further time to resume profitless fiddling while the hearts of the enslaved Kashmiris burn. The hot blood of the Frontier tribesmen boils and the rumblings among the people of Pakistan gather the force of an uncontrollable storm . . .

Further talks are useless . . . The Security Council must now act . . . because it is a question of peace or war. Already Bharat (India) has started renewed war propaganda (!) Of course the Security Council will do nothing unless Washington and London make up their minds and provide the incentive . . . In such circumstances (the likelihood of further delay because of the U.S. presidential elections) one's mind turns on the rebound towards the Soviet Union for a positive lead on the issue in the Security Council.

The reaction of the Pakistani Muslim League, the ruling party in Karachi and in all Pakistani provinces, was equally blunt. On October 13th, at its annual meeting, the council of the League, comprising the entire cabinet and Provincial Premiers, unanimously passed a resolution which severely criticized the U.N. and asked the government of Pakistan (1) to liberate the people of Kashmir "by all possible means." At the same meeting the Minister for Kashmir Affairs, Dr. Mahmud Hussain, stated that if the U.N. failed to break the deadlock, "we will be free to chalk out a further course of action." Most ominous was the statement of Sardar Abdur Rab Nishtar, Minister for Industry:

Kashmir is ours and we will take it by all possible means. The battlefield is not the polling booth of an election, it requires men with bravery (N.Y.T. 15.10.52).

According to *New York Times* correspondent Michael James, "the United States is regarded here (Karachi) as the main villain." In support of this hypothesis it should be noted that on June 6, 1952, while Graham was pursuing his talks in New York, *Dawn* commented:

The U.N. has been playing into Bharat's (India's) hands. The Powers dominating that Organization—the U.S.A. foremost among them—are unashamedly sacrificing principles for expediency . . . The situation now is that America, more than Bharat (India) is the enemy of the Kashmiris.

Amidst this war talk in Pakistan, Pandit Nehru reiterated that any form of attack on Kashmir "will be met and resisted to the utmost" (M.S. 5.10.52). As for Dr. Graham's report, India expressed the view that the proposal of September 4, 1952, regarding criteria for demilitarization "was conceived in the right spirit (and) . . . contained the germs of a settlement" (S/P.V. 605, 10.10.52, p. 37).

It was in this atmosphere that, on November 5, 1952, the United Kingdom and the United States sponsored another draft resolution. In essence, it urged India and Pakistan to enter "immediate negotiations" on the problem of the specific number of forces to be retained on each side of the cease-fire line at the end of demilitarization, suggesting, as did Dr. Graham, 3,000 to 6,000 for Pakistan and 12,000 to 18,000 for India, excluding the Kashmir State Militia and the Gilgit Scouts. It asked Dr. Graham to continue in his role of mediation and requested the parties to report to the Security Council within

thirty days of the adoption of the resolution (Text: S/2839, 5.11.52).

In elaborating upon this draft resolution the following day, Sir Gladwyn Jebb made certain comments which merit brief attention. After expressing the belief that the dispute cannot be left "simply to settle itself," he informed the Council that London "has in no sense closed its mind to the possibility of a settlement of the problem on lines different from those which we have considered in the Security Council up to now"—which sounded as if Dixon's scheme of partition and plebiscite in the Valley was not entirely forgotten. Moreover, the British delegate raised for the consideration of the parties the possible use of a "neutral force" in Kashmir during the plebiscite, and indicated his government's view that the Indian proposal for a civil armed force on the Pakistani side of the cease-fire line while India was to retain a military force was not "consistent with a really free plebiscite." (S/P.V. 606, 6.11.52).

The American representative, too, related that Washington "would welcome the agreement of the parties on any just basis" (S/P.V. 607, 5.12.52, p. 17). Thereafter, Madame Vijaya Lakshmi Pandit and Zafrullah Khan restated at very great length the essentials of their countries' case, as analyzed in preceding chapters.

Without discussing these speeches in detail, a few salient points may be noted briefly. The Indian delegate rejected the Anglo-American draft resolution, reiterating that "21,000 Indian troops is the absolute minimum . . . for the security of the State" assuming that *all* Azad Kashmir forces would be disarmed, and added: "any alternative figures must be justified on realistic considerations of security, and not be put forward merely as a matter of political bargaining or appeasement." As for Jebb's suggestion that a neutral force be reconsidered, she retorted:

It is surprising that anyone should think of suggesting to us that we should admit . . . foreign troops whose withdrawal was an essential feature of our independence. It does not matter in what guise they are sought to be introduced or by whom. We shall not permit this to happen (S/P.V. 608, 8.12.52).

The only novel feature of the statement by Pakistan's Foreign Minister was the rather dramatic "offer" to solve the problem of demilitarization. Let India, he declared, retain 28,000 troops in Kashmir (including the State Militia), "without armour and artillery. On our side, we will carry out the full obligations undertaken by us under (the August 13th) resolution." Pakistan would withdraw



its army, and the tribesmen and Pakistani volunteers have already withdrawn. Conspicuous by its absence was any reference to the Azad Kashmir forces. Not only would they not be disarmed, as India demanded, but nothing was said about their heavy equipment. By contrast, India would not be permitted armour or artillery (S/P.V. 609, 16.12.52, p. 59).

As might have been expected, India was not favourably disposed to this offer. In the words of Prime Minister Nehru:

This means that while Dr. Graham was discussing a reduction of forces and had suggested that Pakistan might retain a few thousands, according to Zafrullah Khan Pakistan could retain anything from 25,000 to 35,000 troops there (in Kashmir) because he does not call them Pakistan troops—he calls them Azad Troops. Really, this suggestion is ingenious and can only take in the unwary and those who do not know the facts of the case (N.Y.T. 21.12.52).

On December 23, 1952, a general Security Council debate took place. Of six representatives who spoke, all but one expressed their approval of the draft U.K.-U.S. resolution. The Soviet delegate, Mr. Zorin, criticized the proposals and, in terms similar to those used by Malik in January, 1952, accused the Western Powers of imperialist designs in Kashmir. He also reiterated the view of his predecessor on an appropriate solution, namely that “the status of Kashmir (should be) determined by a constituent assembly elected by the people of Kashmir themselves on a democratic basis.” Whether or not this referred to the existing Constituent Assembly in Indian Kashmir or a new assembly for the whole State was not clarified (S/P.V. 611, 23.12.52).

On the same day the Council adopted the U.S.-U.K. sponsored resolution by a vote of 9 to 0, with the U.S.S.R. abstaining and Pakistan unable to vote because it is a party to the dispute. Despite its rejection of the resolution, India indicated its willingness to continue negotiations.

After further discussion with Indian and Pakistani representatives at U.N. Headquarters, Dr. Graham informed the Security Council on January 23rd, 1953, that the two parties had agreed to make another effort to resolve the impasse. In his final attempt to break the deadlock, at the second Geneva Conference, from February

4th to February 19th, the U.N. Representative suggested a compromise on the number and character of forces which should remain in Jammu and Kashmir at the end of the demilitarization period:

On the Pakistan side . . . an armed force of 6,000 . . . separated from the administrative and operational command of the Pakistan High Command (with) no armour or artillery; On the Indian side . . . an Indian armed force of 21,000 *including* State armed forces . . . without armour or artillery.

India accepted the proposed figure for its side of the cease-fire line in spite of the fact that it had persistently demanded 21,000 troops *excluding* the Kashmir State Militia of 6,000. It did, however, reject the suggestion of 6,000 armed troops in Azad Kashmir, reiterating its demand for a civil armed force of only 4,000, offering as a concession its willingness to agree to "some increase" in this force. It also demanded that Pakistani-appointed officials and the Azad Kashmir Government cease to function in the Azad area, and that there should be no connection between the local authorities in Azad Kashmir and the Pakistan Government.

Pakistan's response was far more critical. It termed Graham's proposal a contravention of the Security Council's resolution of December 23, 1952, stated that "no reasons had been advanced by (Graham) to justify any change," and charged: "The figures now proposed have avowedly no other object than to meet India's wishes . . . amounts in effect to an endorsement and abetment of the Indian attitude." On this note of sharp disagreement, the conference ended.

Unlike his earlier reports, Dr. Graham did not request an extension of his mandate. Rather, like Sir Owen Dixon, two and one half years earlier, he recommended direct negotiations between the leaders of India and Pakistan to resolve the impasse.<sup>12</sup> So matters stand at the time of writing, June, 1953, more than *five years* after the Kashmir dispute was referred to the United Nations.

### G. Conclusions:

The central fact which emerges clearly from Dr. Graham's mediation efforts is that his entire program for the demilitarization of Kashmir seems to hinge on one *technical* problem, namely the size and character of forces which should remain on each side of the

<sup>12</sup>The complete text of Graham's Fifth Report, from which the above quotations were taken, is to be found in S/2967, March 27, 1953. (Emphasis mine.—M.B.)

cease-fire line at the end of the demilitarization period. And yet, as Graham noted in his statement to the Council on October 10, 1952:

. . . the narrowing of the differences . . . to one main point, upon which the whole plan depends, emphasizes the depth of the difference on this point . . . It is related to the differing conceptions of the two Governments . . . relating to (1) the status of the State of Jammu and Kashmir, (2) the nature of the responsibilities of the appropriate authorities on each side of the cease-fire line after demilitarization, and (3) the obligations of the two Governments under the two agreed Resolutions of August 13, 1948, and of January 5, 1949 . . . (S/P.V. 605, 10.10.52, p. 42).

This interrelationship has been stressed throughout the preceding analysis of the Kashmir dispute before the United Nations. At every stage of U.N. intervention, India and Pakistan stated the fundamental postulates of their case on Kashmir and, indeed, their response to the various resolutions of the Security Council, the mediation efforts of the Commission, the proposals of General McNaughton, the suggestions of Sir Owen Dixon and finally, the compromise proposals of Dr. Graham, was determined by their basic outlook on the origin and nature of the dispute. For more than five years India has steadfastly maintained that the accession of Kashmir was legal, that Pakistan aided the tribal invasion and therefore committed aggression against its neighbour, that as a result Pakistan has no right to influence the decisions relating to a plebiscite—to which India clearly committed itself from the very beginning of the dispute. Pakistan has been equally insistent that the accession was illegal, that the incursion of tribesmen did not constitute an invasion but was merely a response to the maltreatment of Muslims in Kashmir by the Maharaja's forces, that Pakistan has an equal status with India *vis-à-vis* Kashmir and that any programme of demilitarization, therefore, must take into account the status of the two parties.

The one remaining problem of the size and character of forces which should remain in the State at the end of the period of demilitarization, although *technical* in nature, is of symbolic importance. Whether India should be allowed to retain 28,000 troops in Kashmir after demilitarization or 21,000, as Dr. Graham proposed, is not, *in itself*, a problem beyond solution. Whether Pakistan should retain from 3,000 to 6,000 troops, as the last Security Council resolution suggested, or both parties should be permitted to maintain

approximately 4,000 troops in the disputed state, is not, in reality, the basic obstacle to the implementation of a plebiscite.

The crux of the dispute is far more profound than these arithmetic differences. Underlying them is the fundamental disagreement between India and Pakistan on the origin, evolution and meaning of the Kashmir dispute, as well as the proper role of the United Nations—and this disagreement is as all-pervasive in June, 1953, as it was in January, 1948. While both parties favour demilitarization and have frequently expressed their agreement to a plebiscite, they continue to disagree on the *kind* of demilitarization and plebiscite which the United Nations should conduct. The principal reason for the failure to secure agreement on the number and character of forces which both parties should retain in the State is to be found precisely in these conflicting interpretations and diametrically-opposed views on the meaning of demilitarization and plebiscite in the specific context of the Kashmir dispute, not as abstract concepts.

If this hypothesis be correct, then one basic conclusion follows. Before a genuine solution of this dangerous international dispute can be reached by the United Nations, the U.N. must return to an examination, evaluation and attempted reconciliation of this disagreement between the basic outlook of India and Pakistan on the Kashmir dispute. Until this is done, the exclusive concern with the resolution of technical differences between the two parties will probably continue to be frustrated. The U.N. should, therefore, return to the consideration of such broader questions as:

(a) Was the accession of Kashmir to India a legal act and if so what does the fact of legality mean for the status of India and Pakistan *vis-à-vis* demilitarization and a plebiscite?

(b) Did Pakistan commit aggression against Kashmir and/or India? if so, an official condemnation by the United Nations is in order, and its attitude to demilitarization and a plebiscite, and Pakistan's role therein, must be reformulated accordingly; if not, the Security Council should openly reject India's principal charge and then make it clear that since neither party was an aggressor and both are geographically contiguous to the State of Kashmir, both have an equal right to be consulted in U.N. plans for the holding of a plebiscite;

(c) Is there a legitimate constitutional authority in the State of Jammu and Kashmir; if it is the Indian Kashmir regime, does

that regime have the right to extend its authority over the entire state before a plebiscite is held?

(d) Is the Azad Kashmir army a creation of Pakistan, as India claims, or is it an autonomous military force composed, equipped and officered by that segment of the Kashmiris which revolted against the dethroned Maharaja of Kashmir, as Pakistan maintains?

In answering these questions and, in the opinion of this writer, only in answering these questions can the U.N. possibly break the impasse that surrounds the Kashmir dispute and provide a path to solution.

It is hoped, and it is possible, that the effort to resolve the principal technical barrier to the demilitarization of Kashmir preparatory to a plebiscite may be overcome in the near future. Yet, on the basis of personal experiences in the sub-continent, conversations with prominent officials of both parties and an intensive study of the published materials relating to the Kashmir dispute, this writer believes that such an agreement would not, in itself, resolve this crucial dispute between India and Pakistan. Even should such an agreement become a reality, its *implementation* might well give rise to the same kind of conflicting views as those which have hindered the attempts made by the U.N. thus far. Moreover, even should demilitarization become a reality the technical problems involved in the actual holding of a plebiscite may well provide further obstacles. And any such obstacles to demilitarization and the effort to seek the will of the Kashmiri people on their future constitutional status will emanate from the basic disagreement on first principles.

It can be argued that a mediator is wise to avoid the apparently irreconcilable major differences and attempt to gain an accord on technical problems. Yet this approach has been unsuccessful, after more than five years, in securing an agreement on demilitarization. And the comparative failure of this approach is primarily to be attributed to the still-existing disagreement on the fundamentals. It may also be argued that the suggested reconsideration of these *basic* differences would hinder the desired accord. This may well be the case but the present approach has reached a stalemate. Moreover, the U.N. would then be in a position to establish clearly the merits of the case and could formulate its plans for the plebiscite accordingly.

This is not to suggest that the only possible instrument for a resolution of the impasse is the public forum of the United Nations.

Rather, that if the Security Council decides to reconsider the Kashmir dispute anew, the proposals set forth above would, in the author's opinion, offer a more fruitful approach.

It is more likely that bilateral negotiations, in the improved atmosphere of Indo-Pakistan relations which began late in April, 1953, will prove to be a more effective medium for an agreed solution of the remaining barriers to a settlement. Removed from the hypertension which pervades the United Nations, and placed in the perspective of the common interests which India and Pakistan have in erasing this cancerous growth on the body-politic of the sub-continent, the leaders of both countries may be able to accomplish that which the U.N. has failed to secure after more than five years of mediation. And in so doing, they would pave the way for the mutually-beneficial, indeed necessary, rapprochement between the peoples of the sub-continent.

## CHAPTER VIII

### *Kashmir in Transition*

#### A. *The Legacy of History*

To describe the beauty of Kashmir would require the imagination of a poet and the sensitivity of an artist, both of which are beyond the capacity of this writer. Others have dwelt at length upon its exquisite natural beauty and have described Kashmir as the "Pearl of the East" or the "Switzerland of Asia." Yet, these same observers have not failed to note the contrast between the generosity of Nature and the pitiful conditions of life which have long been the lot of the Kashmiris. They have written of the backward nature of the economy and of the illiteracy and poverty, the degradation and the docility among the Kashmiris. They have written as well about the frequent invasions and the almost permanent state of political oppression regardless of the dynastic changes in the locus of absolute power.

Of Aurungzeb, the last of the Moghul Emperors, it has been said: "In his long reign of fifty years, (he) paid but one visit to Kashmir, but that visit is remembered for the fierce zeal he showed in persecuting the Hindus."<sup>1</sup> The Moghuls were succeeded by the Afghans, whose reign has been termed "a time of brutal tyranny, unrelieved by good works, chivalry and honour."<sup>2</sup> Another writer has referred to Afghan rule in the following words: "Governors from Kabul plundered and tortured the people indiscriminately . . .

<sup>1</sup>M. C. Morison: *A Lonely Summer in Kashmir*, Duckworth & Co., London, 1904, pp. 50-51.

<sup>2</sup>W. R. Lawrence: *The Valley of Kashmir*, Oxford University Press, 1895, p. 197.

In their agony the people of Kashmir turned with hope to the rising power of Ranjit Singh of Lahore" (the Sikhs).<sup>3</sup>

That this hope was in vain was revealed by Moorecraft who visited Kashmir in the early 1820's:

Everywhere the people were in the most abject condition, exorbitantly taxed by the Sikh government and subjected to every kind of extortion and oppression by its officers . . . Not one sixteenth of the cultivable surface is in cultivation, and the inhabitants, starving at home, are driven in great numbers to the plains of Hindustan.<sup>4</sup>

The Sikhs were compelled to cede Kashmir in 1846 as a result of their military defeat by the British, and the Valley was sold to the Dogras, a Rajput clan which at that time was the ruling dynasty in Jammu and surrounding hill states. According to General Younghusband, who led the British expedition to Tibet in 1906, "The whole country (in 1870), in fact, was still in the grip of a grinding officialdom . . . The people were wretchedly poor and in any other country their state would have been almost one of starvation and famine."<sup>5</sup> To these conditions was added the Begar system—forced labour.

As late as 1946, on the eve of the partition of India and the emergence of the Kashmir problem, the accumulated poverty and degradation of the Kashmiris was so great that they could be portrayed in the following graphic terms:

Today, its peasants are sunk in unimaginable poverty. Their mud-huts contain hardly a trace of visible property save a few pots and water jars. When I put my question in a typical village, every household was in debt, and the usual rate of interest was 48 per cent . . . Much of the land is held under feudal tenure by great landlords known as Jagirdars, who draw their tribute from the cultivators, as a reward for some service rendered to the Maharaja or his ancestors . . . The peasants, taxed to the limit of their endurance and subject to an administration that is corrupt from top to bottom, are voteless, unorganized and helpless in their ignorance.<sup>6</sup>

Perhaps the most poignant commentary on the historical legacy of Kashmir is the following lament of another western writer:

One can tell that this is a sad people, who have borne for

<sup>3</sup>*The Imperial Gazetteer of India*, p. 93.

<sup>4</sup>As quoted in Sir Francis Younghusband: *Kashmir*, Adam & Charles Black, London, 1909, pp. 160-161.

<sup>5</sup>Younghusband: op. cit., pp. 176, 179.

<sup>6</sup>H. N. Brailsford in Bakshi Ghulam Mohammed (Ed.): *Kashmir Today: Through Foreign Eyes*, Bombay, 1946, p. 20.



centuries with grief; who have learnt to bend their heads to the storm and have grown twisted and crooked in the process . . . Alas! if the record of Kashmir be read aright, it is a moving tale, of human infirmity, of human sins; and there are not many races in the world upon whom the hand of Fate has been laid so heavily as upon those who inhabit this, perhaps the fairest corner of the earth.<sup>7</sup>

### B. *Fundamental Changes since 1947\**

To this legacy of oppression and poverty were added the grave consequences of the tribal invasion in October, 1947, and the aftermath of full-scale military operations between India and Pakistan on the soil of Kashmir. The immediate effect was the disintegration of the power of the Maharaja who hurriedly abandoned the summer capital of Srinagar as the tribesmen advanced swiftly down the Jhelum Valley Road. In the words of Margaret Bourke-White:

Without a gesture toward protecting his capital or his people, the Maharaja fled from his palace at four in the morning with all his relatives and all his jewels. He deserted with a convoy of forty-eight military trucks carrying the palace carpets . . . and took refuge far from the fight in his winter palace of Jammu. Most serious of all His Highness took with him the entire State supply of gasoline.<sup>8</sup>

The power vacuum thus created was quickly filled by the leading political organization of the State, the National Conference, under the leadership of Sheikh Abdullah. In the seventy-two-hour interval between the *de facto* abdication of power by the Maharaja and the arrival of Indian troops on the scene, the National Conference took over the normal functions of government and, in a state of virtual siege, raised a local army of men and women who for centuries had been prohibited the right to bear arms. That its efforts during this period of confusion had borne fruit was revealed by the fact that on October 31, 1947, the Indian Government prevailed upon the Maharaja to sanction the creation of an Emergency Administration with Abdullah as its Head and his colleagues in the *de facto* cabinet (H.T. 1, 3.11.47).

<sup>7</sup>V. C. Scott O'Connor: *The Charm of Kashmir*, Longmans, Green & Co., London, 1920, pp. 96, 179.

<sup>8</sup>*Halfway to Freedom*, p. 193.

\*This survey is confined to Indian Kashmir for, to the writer's knowledge, there is no accurate published material on social and economic developments in Pakistani Kashmir since 1947.

The most comprehensive account of these changes is to be found in Government of Jammu and Kashmir: *Jammu and Kashmir, 1947-1950*, Jammu, 1951.

With the initial victory of Indian arms—the recapture of Baramulla and Uri—the period of chaos was brought to an end. But the problems confronting the new regime were numerous and serious. The principal highway of communication, namely the Jhelum Valley Road which connects Srinagar with Pakistan, had fallen to the tribesmen, thereby cutting off the only all-weather road linking Kashmir with the outside world. Nature, too, wreaked its hardships, the winter of 1947-48 being the worst in twenty-five years. Indeed, combined with the strangulation of Kashmir's trade routes, it caused serious hardships to the economy of Kashmir. It starved Indian Kashmir of its essential supplies; it blocked its exports, with dire consequences for Kashmir's cottage industries and a resultant low level of income amongst the craftsmen. It virtually cut off Kashmir from the outside world and thus put a temporary end to the lucrative tourist traffic. While Kashmir's timber, silk and handicrafts remained sealed in the Valley, there existed a serious shortage of sugar, wheat, transport, oil, cloth and salt.

So serious was the situation, made even more desperate by inflation, that the Kashmir Minister of Industries and Supplies stated on May 3, 1948, that he had come to Delhi to secure Indian aid in the task of "restoring the confidence and prosperity of the State's craftsmen, artisans and agriculturists, who are at present going through a period of economic depression" (T. of I. 4.5.48). One year later, an official Kashmiri publication noted: ". . . the country was passing through a grave crisis and the whole economy of the State has been shattered as a result of the Pakistan-engineered Qabaili (tribal) raid . . ."<sup>9</sup>

Of the overall material effects of the tribal invasion, an official report in 1950 made the following estimates:

- (1) 42,136 persons rendered destitute and homeless.
- (2) Loss of buildings and movable property—9,119,595 rupees and 9,277,921 rupees respectively.
- (3) Loss of livestock: 493,365.
- (4) Loss of lives: 274 Hindus, 343 Muslims and 7 Christians (H.S. 14.9.50).

Another report indicated that 300 educational institutions were closed as a result of the tribal invasion (I.N.C. 4.7.50).

<sup>9</sup>Kashmir Bureau of Information: *Relief and Rehabilitation in Kashmir Province*, Srinagar, May 24, 1949, p. 2.

Among the other immediate problems which confronted the Emergency Administration, the most important was that of refugee rehabilitation. The background to this problem lay in the partition of India which resulted in a large influx of Hindu and Sikh refugees from the West Punjab, many of whom settled in Jammu, and of Muslim refugees from India who migrated to West Pakistan with some settling in Azad Kashmir. The tribal invasion seriously aggravated the refugee problem. Finally, the devastating winter of 1947-1948 added to the need and diminished the resources available for the relief and rehabilitation of refugees. These two problems—economic distress and refugee rehabilitation—were the most compelling aftermath of the tribal invasion.

The refugee problem involved a gradual and lengthy process of relief and rehabilitation. In Jammu Province there were about 700,000 refugees, of whom 80,000 were housed in government-financed refugee camps by May, 1949. Its seriousness is indicated by the fact that by February, 1950, only 335,000 of about 800,000 refugees had been resettled. The total cost of relief during this period was over half a million rupees and the expenditure for rehabilitation was somewhere in the nature of one million rupees (T. of I. 1.3.50).

Other measures undertaken in this early phase included the nationalization of the textile and silk-weaving cottage industries, the sharp reduction in State expenditure, particularly in the salaries of officials, and the beginnings of co-operative methods in the cottage industries.

Before proceeding with a survey of economic conditions and reforms during the years 1949 to 1953, it is pertinent to consider briefly the rather unique political constellation within Kashmir during the five months that followed the establishment of the Emergency Administration. As Sheikh Abdullah related to the Security Council in February, 1948: "we were *de facto* in charge of the administration. The Maharaja, later on, gave it a legal form" (S/P.V. 241, 5.2.48, p. 86).

There existed in Kashmir from October 31, 1947 until March 5, 1948 a dual regime, namely the Emergency Administration of the National Conference and the traditional "cabinet" of the Maharaja under Prime Minister Mahajan. This governmental dichotomy caused considerable friction and tended to limit the authority of the Emergency Administration. Less than one month after his appointment, Sheikh Abdullah gave expression to this friction when

he declared that the people of Kashmir were determined "to make the Maharaja reign and not rule" (T. of I. 30.11.47). The end of this duality finally came about on March 1, 1948 with a proclamation of the Maharaja providing for the establishment of a popular Interim Government with Sheikh Abdullah as Prime Minister. It also called for the convening of a Constituent Assembly as soon as normal conditions were restored.<sup>10</sup>

Although the Emergency Administration survived the initial shock of the severe crisis in 1947-1948, the adverse effects of the tribal invasion, the Kashmir War and the impasse over the political fate of the State continued to plague the economy of Kashmir in the succeeding five years. These consequences are most vividly revealed by the State budget from 1950-1953.<sup>11</sup>

(Figures in lakhs of rupees-100,000)

	1950-1951	1951-1952		1952-1953	
Revenue	444.72	457.56	(estimates)	466.03	(estimates)
Expenditure	500.28	562.48	"	607.78	"
Deficit	55.56	104.92	"	141.75	"

The deficit in these three years was primarily due to large expenditures on relief and rehabilitation and to an even larger subsidy for food (155 lakhs of rupees by July, 1952), both by-products of the war and its aftermath.

Indeed, it is only in the current financial year that this pattern of substantial annual deficits appears to be giving way to a measure of solvency. As outlined in the Finance Minister's speech of March 27, 1953, the revenue and expenditure of the Kashmir Government for fiscal year 1953-1954 are estimated at 479.53 and 469.00 lakhs of rupees respectively, indicating the expectation of a surplus of 10.53 lakhs. But even this small surplus, it should be noted, excludes an estimated capital expenditure of 269.04 lakhs of rupees for the State's development plan, which is not charged to revenue.

<sup>10</sup>The full text of the Maharaja's proclamation is to be found in J. Nehru: *Independence and After*, New Delhi, 1949, pp. 85-86.

<sup>11</sup>The statistics for 1947-1952 noted above and on the following pages are to be found in Government of Jammu and Kashmir: *Kashmir Information Series: A Review on Budget*, Srinagar, 1951, Annexures (A) and (B). The estimates for 1952-1953 are taken from *Times of India*, Bombay, May 7, 1952. Those for 1953-1954 were provided by the *Indian Information Services*, Embassy of India, Washington, and, in part, are to be found in *Hindustan Times*, New Delhi, March 28, 1953.

Moreover, the total State revenue in the year immediately following the Invasion decreased sharply, and though this revenue has increased steadily since 1947, it has not yet reached the peak revenue figure in the pre-invasion period.

(Figures in lakhs of rupees-100,000)

1945-1946 .....	557.00	1949-1950 .....	434.11
1946-1947 .....	538.00	1950-1951 .....	444.72
1947-1948 .....	274.45	1951-1952 (estimates)	457.56
1948-1949 .....	307.95	1952-1953 (estimates)	466.03
		1953-1954 (estimates)	479.53

In striking contrast to its predecessor, the post-invasion Government of Kashmir has placed considerable emphasis on such "nation-building" activities as education, irrigation, agricultural development, communications and health. The following facts emerge from these statistics:

1. The proportion allotted to "nation-building" activities was 29.04 per cent and 67.20 per cent in 1946-1947 and 1951-1952 respectively.
2. For agriculture and irrigation the percentage rose from 2.25 to 18.4.
3. For electricity the percentage rose from 1.8 to 13.0.
4. The proportion allotted to the army and police dropped from 40.7 per cent during the year of the Kashmir war to 18.6 per cent in 1951-1952.

In order to appreciate the manifold social and economic developments in Kashmir since 1947, an oft-ignored aspect of the problem, it is relevant to analyze the educational and agrarian reforms instituted by the present regime.

### *Education*

With the formation of the Interim Government on March 5, 1948, there came into being, for the first time in the history of Kashmir, a separate Ministry of Education.<sup>12</sup> For eighteen months the Ministry's efforts were devoted primarily to the rehabilitation of education in the State—the reopening of schools which had been forced to suspend their activities as a result of the invasion, the provision of jobs for refugee teachers, the repairing of schools

<sup>12</sup>The following survey of educational developments in Kashmir is based largely on Government of Jammu and Kashmir: *Kashmir Information Series: Education*, Srinagar, 1951, and on personal observations.

damaged during the war, and the utilization of educational institutions in the programme of refugee relief and rehabilitation. Moreover, on November 1, 1948, the first autonomous Jammu and Kashmir University was formally established.

Of even greater consequence is the systematic attempt to realize the objective of the National Conference as laid down in the "New Kashmir" plan of 1944, viz. "an active and progressive policy of education which may carry the light of knowledge to the farthest and most backward areas of the State."<sup>13</sup> At the end of 1950 a special committee proposed a fundamental reorganization of education at all levels and formulated the new structure along the following lines:<sup>14</sup>

- (a) Kindergarten—a two-year course from the ages of 3+ to 5+.
- (b) Primary school—a seven-year course designed as an independent unit with emphasis on enduring literacy and instruction in arts and crafts possessing both educational and economic utility.
- (c) Secondary school—a four-year course from the age 12+ to 16+; also a self-sufficient unit which would both satisfy the needs of those who wish to continue advanced studies and those who wish to terminate their formal education at the secondary level.

To meet the needs of this educational programme, some 200 kindergartens were established by May, 1953. Efforts were also made to increase the training facilities for teachers which, until 1947, were confined to two small schools where only 100 teachers could be trained every year. Moreover, a Textbook Advisory Board was set up to prepare modern school books in the various languages of the State, and adult education centers were created throughout the State. For the rural areas mobile training squads were introduced, in an effort to bring training to village teachers. In the field of higher education basic structural changes were also made, including the reorganization of the two existing colleges into full-fledged four-year degree colleges with effect from March, 1951.

Considerable insight into the problems and goals of education in Kashmir today was acquired by the author as a result of personal observations during the summer of 1951 and a lengthy, informative conversation with the Director of Education. During the course of this interview, Mr. Kazmi commented upon the following points:

*Attitude of the Government to education:* The Report of the

<sup>13</sup>*New Kashmir*, Lahore, 1944, p. 38.

<sup>14</sup>Government of Jammu and Kashmir: Ministry of Education: *Educational Reorganization Committee Report*, Jammu, December, 1950.

Educational Reorganization Committee was published three weeks after its deliberations ended and three weeks later the cabinet approved all of its recommendations and allotted funds, however scanty. He also pointed out that the Prime Minister had taken over the education portfolio and showed special interest in this field. (In this connection Sheikh Abdullah told the Reorganization Committee in his inaugural address that "land to the tillers and education for everyone were the two basic needs which brooked no delay for fulfilment.")

*Rate of literacy:* In 1948 it was only 5 or 6 per cent, literacy being defined as elementary reading and writing. The objective is to raise this to 50 per cent after seven years.

*Degree of implementation of plans:* Mr. Kazmi related that this has begun in all aspects but that progress was slow. The two principal obstacles were lack of funds and lack of teachers. He also stated that an attempt was being made to improve the position of teachers as evidenced by the fact that the minimum monthly salary is now (1953) 50 rupees—the highest in India. (For secondary school teachers the starting salary, formerly 40 rupees, is now 80 rupees, and for college instructors the minimum has been raised from 150 to 200 rupees per month).

*Balanced education:* This is to be achieved by the multi-purpose high schools which have three departments, classical, crafts and oriental studies. Each student must take courses in the other departments and must acquire mastery of a craft.

*Compulsory education:* It has not yet been introduced because of the lack of sufficient buildings and trained teachers. The Department of Education hopes to introduce compulsory education in five years' time when these technical difficulties will probably be overcome.

*Attitude of peasant to education:* According to the Director of Education, they were very receptive and anxious to acquire literacy, have shown co-operation and have aided rural teachers with funds.

### *Agrarian Reforms*

Like many areas in the sub-continent, the Kashmir land system was dominated by Jagirdars, i.e. persons who, for some service rendered to the Maharaja or his predecessors, were assigned certain villages from which they received the land revenue. Some of these Jagirs were in cash, others were in kind; some were tenable as long as the ruler so desired and some were in perpetuity. Similar to the

privileges enjoyed by the big Jagirdar who, in time, became the *de facto* ruler, judge and magistrate of his assigned lands, were those of the Muafidars who paid no land revenue on their assigned lands and who also owned certain land for which they were exempt from any rent to the State. A third category were the Mukkararee-Khwars, those people who received pensions from the State.

While most of them were non-jurisdictional, there were two exceedingly large Jagirs in which ruling rights were enjoyed. One was the Chenani Jagir in Jammu Province. Consisting of 95 sq. miles and a population of 12,000, its annual income was Rs. 40,000 of which the Jagirdar theoretically received 15 per cent but in fact usually took approximately one third, in addition to his annual income of Rs. 36,000 from his lands and orchards. In the spring of 1948 the Chenani Jagir was integrated into the administrative structure of the State, and the Jagirdar was given a monthly allowance of Rs. 300. The second and more historically-significant jurisdictional Jagir was that of Poonch which, except for the town of Poonch, is now in the territory of the Azad Kashmir Government. Consisting of 1,627 sq. miles and a population of 250,000, its annual income in 1948 was estimated at Rs. 1 million.

As early as 1944 the National Conference had clearly enunciated "the basic principles" of its agrarian reform programme—the abolition of landlordism, land to the tiller and co-operative association.<sup>15</sup>

As the first measure in its programme of land reform, the Government abolished these three privileged forms of land tenure—in April, 1948. According to official statistics, "the number of Jagirdars and Muafidars in the State was 396 and between themselves they used to pocket Rs. 556,313 of the land revenue annually." In addition to this sum, which henceforth was to go to the State, their abolition "also relieved the peasants of the crushing payments in kind which in terms of land revenue amounted to Rs. 3¼ lakhs (325,000 rupees)." There were as well 2,347 Mukkararee-holders who drew an annual sum of Rs. 177,921 from the State Treasury.<sup>16</sup>

Other measures undertaken in its first year of office were designed primarily to safeguard the position of the peasant in the period of economic crisis until the more positive aspects of the programme could be realized. In February, 1948, the Government issued two ordinances, one postponing the realization of all debts for twelve

<sup>15</sup>*New Kashmir*, op. cit., pp. 25 ff.

<sup>16</sup>Mirza Mohammed Afzal Beg (Revenue Minister): *On the Way to Golden Harvests: Agricultural Reforms in Kashmir*, Jammu, 1950, p. 17.



months, the other providing that all proceedings regarding the ejection of tenants which were pending in the revenue courts should also be stayed for one year. Two months later another ordinance was passed assuring the restoration of all cattle and immovable property to those who had been forced to leave the State as a result of the invasion. Moreover, the Revenue Minister directed the peasants to pay land revenue and to sell their food grains directly to the Government, not to the landlords as was the prevailing custom.

Towards the end of 1948 other agrarian reforms were introduced. The rent for tenancies above  $12\frac{1}{2}$  acres was reduced to 25 per cent of the produce on rice land and  $33\frac{1}{3}$  per cent on other land, benefitting about 60 per cent of all the cultivators in the State. Moreover, 50,000 Kanals (6,250 acres) of state-owned land were distributed free of cost to landless labourers. Finally, the cultivators in Kashmir Province were granted permanent occupancy rights.<sup>17</sup>

For the next 18 months basic agrarian reform was held in abeyance while the Government embarked upon an exhaustive investigation into the appropriate method of achieving its long-range objectives. In April, 1949, it appointed a "land to the tiller" committee, composed of representatives of Government, landlords and peasants who were to frame a law to complete the abolition of landlordism and to distribute the land thus expropriated to the cultivator of the soil. While this committee was engaged in a study of such technical problems as the optimum amount of land which an individual owner should be permitted to own, and of such vital issues as the fragmentation of land holdings, the government focussed its attention on the problem of indebtedness.

According to official estimates, rural debts amounted to 310 lakhs of rupees and urban debts to 56 lakhs which meant a per capita average of 48 rupees. (T. of I. 21.4.50). In February, 1950, the Government issued an ordinance which delayed for another six months the realization of all debts. Three months later it introduced a far-reaching measure known as the *Distressed Debtors' Relief Act*.

In an attempt to relieve the peasantry and low-income groups generally of this crushing burden of indebtedness, this law provided for the establishment of Debt Conciliation Boards which would have jurisdiction over debts up to 5,000 rupees in cases where the total

<sup>17</sup>For a brief summary of these land reforms see Government of Jammu and Kashmir: *Liquidation of Landlordism in Jammu and Kashmir*, Jammu, 1950.

assets of the debtor were no larger than 5,000 rupees. The procedure adopted was unique. Both creditor and debtor were obliged to appear before this Board with evidence of the amount borrowed, the amount repaid, the rate of interest, etc. If the debtor could prove that he had already repaid the principle plus 50 per cent in the form of interest, then the debt was automatically discharged, and any amount in excess of 150 per cent of the principle would be refunded to the debtor.

In all other cases the Board attempted to bring about a compromise between the parties as to the amount outstanding since its primary function was conciliation, not adjudication. If, however, a compromise could not be reached, the Board was empowered to decide, in the light of the evidence made available, what proportion of the debt had actually been paid and what remained due. To relieve the debtor still further the sum outstanding was to be repaid in small instalments extending over twenty to thirty years. This Act also provided that the decisions of the Debt Conciliation Boards would supersede previous rulings of the civil courts and that all suits up to 5,000 rupees pending in the courts were to be transferred to these Boards (I.N.C. 10.5.50).

In deference to commercial and financial groups, the Government exempted from the jurisdiction of the proposed Conciliation Boards commercial obligations, arrears of wages and rent, land revenue, and debts to the Government or banking corporations. It is worth noting that this was still not entirely satisfactory to the business community. The Jammu Chamber of Commerce demanded on July 13, 1950, that the Act should be confined to agricultural debts and that the decision-making power should rest with the Judiciary, not the Conciliation Board. Three weeks later the same organization called on its members to boycott the Act and to suspend all loans until it was withdrawn but without success.

Notwithstanding these amendments, the Distressed Debtors' Relief Act represented a major effort to tackle the problem of indebtedness, a basic problem throughout the Indo-Pakistan sub-continent, for even after the exclusion of the above-mentioned kinds of debt, the Boards were granted jurisdiction over about 90 per cent of all debts under 5,000 rupees. As for its effectiveness, official statistics reveal that by August, 1951, nearly 35,000 claims had been registered, of which 9,500 had been decided. The total valuation of the claims

disposed of was approximately 1.4 million rupees which were reduced to 675,000 rupees, i.e. the debts were scaled down by more than 50 per cent (T. of I. 6.8.51). By June, 1953, the number of applications had risen to 48,195 affecting debts amounting to 11,122,054 rupees which have been reduced by approximately 80 per cent. (H.T. 10.6.53).

During his lengthy stay in Kashmir, in the summer of 1951, the author had the opportunity of observing a Debt Conciliation Board in operation. Within a few hours a dozen cases had been disposed of, all but one by the process of conciliation. The principal difficulty confronting the Board lay in the fact that the illiterate debtor-peasant almost never received any written acknowledgment of payments of interest to the creditor. Furthermore, because of this illiteracy, the creditor was in the habit of inserting in the contract a sum considerably larger than the amount of the loan actually granted, with a high rate of interest.

The function of the Board, as witnessed by this writer, was largely that of determining the actual facts of the case in the light of written and oral evidence. In this the Board was aided by its knowledge of the prevailing methods of rural loans and contracts. There were, of course, cases when both parties clung to their interpretation of the size of the loan, the amount repaid, whether in cash or kind, etc.; but even this deadlock could usually be resolved by the simple expedient of requesting the parties to take an oath in the form of placing their hand on the Koran, or one of the Hindu holy books. The evidence thus given was almost certain to be correct; one of the parties would refuse to take such an oath or break down and tell the truth.

Of some interest as well was the opinion expressed by the Board Chairman, as a result of some two thousand cases, that the relations between creditor and debtor rarely deteriorated as a result of this conciliation. Furthermore, that in most cases both parties were pleased that the confusion which reigned in rural indebtedness was clarified—to the benefit of the debtor but also to the security of the creditor.

On July 13, 1950, after more than a year of exhaustive study, the Kashmir Government introduced the most sweeping agrarian reform undertaken in the Indo-Pakistan sub-continent since the Partition. Under the provisions of the *Abolition of Big Landed Estates Act*<sup>18</sup> no individual, whether or not an actual cultivator,

<sup>18</sup>The following quotations and details relating to this Act are taken from Beg; op. cit., pp. 59-72.

would henceforth be entitled to own more than 182 kanals of land (almost 23 acres); he would, however, "for the present," be allowed to retain his grass farms, unculturable waste land and orchards. "The remaining land of every proprietor will . . . be transferred in ownership right to the peasant to the extent of his possession," i.e. if a peasant was cultivating 10 kanals of land he became the owner of these 10 kanals. "It is this peasant who will henceforth be responsible for payment of land revenue and cesses assessed on that land . . . The land revenue will be reckoned at village revenue rates . . . The law also prohibits the transfer of land to a tiller who is not a State subject."

As for all land in excess of 182 kanals which was formerly in the possession of a single proprietor but which was *not* cultivated by tenants, the Act provided that henceforth such untenanted lands would be vested in the State. The purpose of such nationalization, as indicated by the Minister of Revenue, was to solve the problem of landless labourers by placing them on this nationalized land which would eventually be operated along co-operative or collective lines.

The magnitude of this reform is revealed by the fact that 4½ million kanals (563,500 acres) were to be transferred to the tillers. Furthermore, "the tillers to whom lands are being transferred in proprietary right are not required to pay (anything) by way of compensation . . . The transfer of ownership will automatically cancel all rights of the old proprietor . . ."

Indicative of the Government's concern about "the fragmentation of holdings" was the provision that no owner of land "can alienate land or any interest therein without the permission of the Government." Moreover, to maintain the limitation on the size of holdings, it was provided that "the law of inheritance . . . will be inoperative to the extent that it permits any right or interest to accrue in respect of any land which exceeds 182 kanals."

The fundamental issue of compensation was referred to the Constituent Assembly of Kashmir which appointed a ten-man committee to examine the problem. On March 27, 1952, the committee submitted a report which strongly urged the abolition of landlordism *without* compensation. The only exception made was with respect to religious institutions whose rights as proprietors of land are to be safeguarded. A few days later the Assembly adopted this recommendation—one of the most significant legislative decisions in the sub-continent since the Partition of 1947.

Of considerable interest are the reasons given by the committee in favour of its proposal for outright expropriation. It argued that:

(a) The tillers are a very much impoverished and exploited class. There can, therefore, be no question of recovering the price of lands from them;

(b) The State's resources are also limited and it is too poor to pay compensation from its revenues;

(c) Apart from these considerations there is no moral, economic or social basis for compensation (O.H.T. 3.4.52).

The social and economic implications of this agrarian reform are revealed by the fact that approximately 700,000 cultivators, including 250,000 Hindu Untouchables in Jammu Province, will acquire land at the expense of 10,000 big landlords. By the middle of May, 1953, a substantial portion of this land redistribution had already been effected. Of the 563,500 acres involved, 198,444 acres had been transferred to 166,919 cultivators (with 607,443 dependents). In addition, 104,418 acres were vested in the State, to be utilized for the benefit of refugees and landless labourers. (H.T. 10.6.53).

In addition to these educational and agrarian reforms, the Kashmir Planning Committee outlined a comprehensive Six Year Development Plan which included large-scale electrical and irrigation projects, the reconstruction and expansion of the cottage and silk industries, the development of agriculture and a grow-more-food scheme, the creation of a drug industry, the improvement of facilities for tourists, and the exploitation of mineral wealth. The funds required total more than 27 crores of rupees (270 million), of which 20 crores (200 million), would be devoted to mineral exploitation. The details of this programme are to be found in the table on page 163.

This development plan was later revised in consultation with the Indian Planning Commission. Because of financial difficulties, the estimated total expenditure was reduced to approximately 14 crores of rupees,  $\frac{3}{4}$  of which will be provided by Delhi in the form of grants and/or loans. The principal foci of attention will be hydro-electric power projects, indispensable for industrialization in Kashmir, irrigation, to hasten the fulfilment of the goal of self-sufficiency in food, and the construction of roads—although not to the exclusion of other spheres of development noted above.

The most significant single project, about which this writer first

learned two years ago during an interview with Premier Sheikh Abdullah, is the construction of a road tunnel,  $1\frac{1}{2}$  miles in length, under the Banihal Pass, at an altitude of 7,000 feet. Exceedingly costly—about 25 per cent of the total expenditure for the Kashmir Development Plan—this road will provide the first *all-weather* link between India and Kashmir, with its obvious strategic and commercial implications.<sup>19</sup>

### *Recent Political Developments*

During the past two years, the central focus of attention in Kashmiri politics has been the *Constituent Assembly* and its controversial enactments. Formally convened on October 31, 1951, the fourth anniversary of the formation of the Emergency Administration, this assembly was clearly envisaged in the New Kashmir plan of 1944. Yet, because of its establishment in the midst of the impasse over the political fate of the State, the Assembly became a serious bone of contention between the principal parties to the dispute. Pakistan castigated it as a fraud and charged India with an attempted *fait accompli*. The latter replied that it was an expression of the right of self-determination and that, in any event, its existence does not affect India's agreement to a plebiscite under U.N. auspices. As noted earlier, the controversy over this Assembly precipitated the marked heightening of tension in the sub-continent during the summer and fall of 1951.

One of the momentous decisions of the Kashmir Constituent Assembly, the abolition of landlordism without compensation, has been analyzed in some detail. Another was the abolition of the Dogra dynasty, which had ruled Jammu and Kashmir since 1846.

Although Maharaja Hari Singh has been compelled to live in exile since 1949, the final act in the struggle of the National Conference for complete responsible government, analyzed in Chapter I, did not occur until the summer and autumn of 1952. As a concession to the expressed wish of the Kashmir Constituent Assembly, the India-Kashmir Agreement of July 24, 1952, sanctioned the abolition of dynastic rule in Kashmir. Then, on August 21, 1952, the Constituent Assembly unanimously adopted a resolution abolishing the dynastic institution and accepted the principle of an elected Head of State for a term of five years. Finally, on November 14, 1952, the Assembly elected Prince Karan Singh, son of the last Maharaja, as

<sup>19</sup>Richard Williams in *The Listener*, London, November 6, 1952.

**GRAND SUMMARY OF FINANCES REQUIRED FOR ALL THE DEVELOPMENTAL SCHEMES YEAR-WISE—IN JAMMU & KASHMIR STATE**  
**Amounts (in rupees) required for**

S. No.	Name of the Section	I year	II year	III year	IV year	V year	VI year	Total
1.	Cottage Industries . . . . .	1,680,780	380,780	....	....	....	....	2,061,560
2.	Tourism . . . . .	3,304,580	3,089,580	2,714,580	....	....	....	9,108,740
3.	Grow More Food Activities & Agricultural Development	11,473,221	14,039,129	8,303,322	2,130,000	2,130,000	....	38,075,672
4.	Animal Husbandry . . . . .	727,195	600,058	623,951	651,167	585,204	....	3,187,575
5.	Hydro-Electric Projects . . . .	4,125,000	5,750,000	2,575,000	250,000	....	....	12,700,000
6.	Drugs . . . . .	583,336	583,332	583,332	....	....	....	1,750,000
7.	Silk Industry . . . . .	1,477,500	2,851,500	976,500	491,500	585,500	595,500	6,978,000
	<b>Total . . . . .</b>	<u>23,371,612</u>	<u>27,294,379</u>	<u>15,776,685</u>	<u>3,522,667</u>	<u>3,300,704</u>	<u>595,500</u>	<u>73,861,547</u>
	Exploitation of Mineral Wealth . . . . .							200,000,000
	<b>Grand Total . . . . .</b>							<u>273,861,547</u>

KASHMIR IN TRANSITION

Government of Jammu and Kashmir:  
*Short Term Plan for the Development of Jammu & Kashmir State,*  
 Srinagar, May, 1951, p. 108.

Sadar I Riyasat, i.e. Head of State, for the next five years. This choice had the twin advantage of facilitating the change from a monarchical to a republican form of government, and placating the Hindus of Jammu.

The abolition of the Dogra dynasty was but a part of the comprehensive India-Kashmir Agreement of July 24, 1952 which clarified—to the marked advantage of Kashmir—many of the hitherto vague or undefined aspects of their constitutional relationship. It suffices to note that until July, 1952, Kashmir's status *vis-à-vis* the Indian Union was defined by the "Provisional and Transitional Arrangements" of Article 370 of the Indian Constitution. Unlike other princely States, Kashmir was excluded temporarily from New Delhi's jurisdiction except with regard to defence, foreign affairs and communications. In the Agreement of 1952, this relationship was formalized. Among the other issues clarified, the following are the most noteworthy (H. T. 6.8.52) :

(a) The institution of *dynastic rule* was to be replaced by a Head of State who "shall be the person recognized by the President (of India) on the recommendation of the Legislature of the State."

(b) While most of the *Fundamental Rights* stipulated in the Indian Constitution were henceforth to be operative in Kashmir, there is a significant exemption, namely the provision relating to compensation for property expropriated by the State. Thus the agrarian reform programme of the Kashmir Government was given the official sanction of New Delhi and *cannot* be rescinded as *ultra vires* of the Constitution.

(c) A common *citizenship* was provided but the Kashmir Government will continue to enjoy the authority to regulate the acquisition and possession of immovable property, notably land, by non-Kashmiris.

(d) The application of the Indian President's *emergency powers* to Kashmir is severely limited. According to this agreement, any action by the President, i.e. the Central Government, in case of internal disturbance threatening the security of India is to be taken "at the request of or with the concurrence of the Government of the State." In all other units of the Indian Union, the decision regarding the use of emergency powers rests with Delhi.

(e) The Supreme Court of India was granted the *original* jurisdiction it now possesses for the rest of India but *not* appellate jurisdiction.



(f) Along with India's national flag, the Kashmir flag was also given official recognition as a State symbol, a right not granted to any other unit of the Indian Union.

(g) The question of the *financial integration* of Kashmir into India remains in abeyance, partly, it would appear, because approximately 25 per cent of the total annual revenue of the State is drawn from Customs.

As a result of this agreement, the unique status of Kashmir since 1947 has been confirmed and strengthened. Except for Defence, Foreign Affairs, and Communications, it has complete autonomy. As Sheikh Abdullah related on his triumphant return to Srinagar, "we retain residuary powers and have given some to the Centre" (T. of I. 28.7.52). One Indian commentator noted correctly: "It should be by now clear that Kashmir is neither (an) A, B, or C . . . class State; it is triple A" (A.B.P. 29.7.52). Indeed, India has made substantial concessions on every issue and, it may be suggested, Kashmir derives great advantages from this unique status. It is autonomous in all internal affairs and can, therefore, continue to implement its programme of reform. Its security against aggression is guaranteed by India. And Delhi continues to subsidize its economy, without "strings" as well as facilitating the implementation of its six-year Development Plan.

As for the relevance of the agreement to the proposed plebiscite—and, it should be noted, Nehru reaffirmed India's intentions to adhere to U.N. resolutions regarding a plebiscite—one Indian commentator suggested:

With that settlement (the India-Kashmir Agreement) he (Abdullah) has at once spiked the guns of his enemies—they can no more shout about "the Hindu Dogra rule" or "a vassal of the Hindu Government of India" (T. of I. 29.7.52).

Far more significance derives from the fact that the Kashmiri Muslims' fear of communal discrimination by a predominantly Hindu India is considerably dispelled and the reform programme of the Government of Kashmir can continue uninterrupted.

These far-reaching concessions to Kashmiri autonomy were favourably received by all political parties except the extreme Hindu communalist Jan Sangh and Hindu Mahasabha which demanded *complete* integration of Kashmir into the Indian Union. Not unnaturally, their ideological counterpart in Kashmir was even more

opposed to the sweeping rights granted to a preponderant Muslim State.

From the very beginning of the Kashmir dispute, the *Praja Parishad* party, representing an influential segment of Jammu Hindus, opposed the policies pursued by the Kashmir Government. They have for a long time been the dominant group in the political, military and economic life of Kashmir. Many of them owned tracts of land in Kashmir which were confiscated under the provisions of the Abolition of Big Landed Estates Act. As the dominant commercial and banking element, they also opposed the Distressed Debtors' Relief Act and other measures designed to benefit debtors, tenants and low-income groups generally.

As might have been expected, they favoured the maintenance of the Dogra dynasty, the source of their power, and the integration of the State into India so that the constitutional safeguards, particularly with respect to compensation for expropriated lands, would be applicable to the Kashmir Government's reform programme. Indeed, when the abolition of landlordism was inaugurated in the summer of 1950, these Hindu landlords attempted to nullify the programme by seeking the intervention of Delhi on the grounds that outright confiscation violated the Indian Constitution. In this, their efforts were frustrated because of Kashmir's exclusion from the scope of the Constitution except for defence, foreign affairs and communications. As a symbol of protest, they boycotted the elections to the Constituent Assembly in September, 1951, and later denounced the Assembly as unrepresentative of Jammu Hindus! Then, early in February, 1952, again in November-December, and at the end of March, 1953, they resorted to "direct action," staging riots and demonstrations in Jammu city in support of their demand for the complete merger of Kashmir and India.

By December 8th, as the result of the second resort to direct action, about 400 members of the *Praja Parishad* had been arrested. In announcing this to Parliament on December 12th, Prime Minister Nehru severely castigated the Hindu communalists in India, long a foe of the secularist Congress, and accused them of aiding their ideological counterpart, the *Praja Parishad*, using Jammu as a "base of operations" for carrying on a "subversive movement" against the Government of Kashmir (N.Y.T. 13.12.52).

*C. Attitude of the Kashmiris to a Plebiscite*

For more than five years political commentators have speculated upon the probable outcome of an impartial plebiscite conducted under the auspices of the United Nations. This writer, too, has made an effort to answer this vital question upon which the political fate of Kashmir may ultimately rest. During his visit in the summer of 1951, the author interviewed about 200 people in the Valley of Kashmir, that part of the State where the results of a plebiscite are uncertain. Among the observations which can be made as a result of these conversations, the following are the most pertinent:

(1) Some light was shed on the reasons why most of the foreigners who have visited the Valley gained the impression that the result of a plebiscite would be a marked majority for Pakistan. The reasons are to be found in the nature of the social milieu in which the average foreigner and tourist moves. He comes into contact only with those people, whether in Srinagar or the hill stations, who are almost entirely dependent on the tourist trade for their livelihood. These people usually express a preference for Pakistan firstly because the principal highway of communications, the Jhelum Valley Road, links Srinagar with Rawalpindi (West Pakistan) and is open all year round whereas communications with India are confined to the Banihal Pass Road, which is closed part of the winter; secondly, because the tourist-dependent community is convinced that by acceding to Pakistan there would be a greater flow of foreign tourists to the Valley; they are also convinced that British influence is stronger in Pakistan than in India and that a large number of Englishmen residing in Pakistan would spend their leave in the Valley, as many were accustomed to do in the past. The importance of this community can be overestimated for it constitutes no more than 10 per cent of the total population of Jammu and Kashmir.

(2) A number of Kashmiris indicated a preference for Pakistan on the grounds of religious affinity, adding that in Pakistan they would have a greater sense of security, without fear of communal discrimination. Against this must be placed another factor and that is the universal respect and admiration for Sheikh Abdullah. Many Kashmiris expressed the view to this writer that "where the Sheikh goes, we go."

It is difficult to appraise the Kashmiris' religious affinity for Pakistan because while they are aware that Pakistan is a "Muslim

State," they are also conscious of the fact that Sheikh Abdullah's regime is predominantly Muslim. It should also be noted that the affinity for Pakistan was considerably weakened by the fact, well known amongst Kashmiri Muslims in the Valley, that the tribal invaders, who are also followers of Islam, made no distinction between Muslims and Hindus in the atrocities committed, and that the numerically preponderant Muslim Kashmiris suffered more at the hands of their coreligionists.

(3) The influence of the agrarian and other reforms, which are associated with the present Government of Kashmir, will probably be very significant. The vast majority of Kashmiris have benefitted from these reforms and many of those interviewed by the author expressed the fear that in Pakistan, where no comparable land reforms have taken place, the land recently given to them might be returned to the landlords or, in any event, that further implementation of the "New Kashmir" programme will be impossible.

(4) This writer gained the impression that the Kashmiris are essentially pro-Kashmir, not pro-India or pro-Pakistan, and that this feeling is tied up with the universal admiration for Sheikh Abdullah and his programme of reform. It can be said that the relatively small group which has suffered as a result of the unsettled conditions in Kashmir during the past six years, particularly the tourist-dependent community (i.e. 10 per cent of the total population), is inclined to favour Pakistan, and that the overwhelming majority who have benefitted from these social and economic reforms favour the continuation of the present pro-Indian Government of Jammu and Kashmir.

(5) Finally, it should be noted that the attraction to India has been significantly strengthened by the Indo-Kashmir Agreement of July, 1952, which accords Kashmir a unique status of autonomy in the Indian Union. The importance of this status with reference to the proposed plebiscite is that the Government of Jammu and Kashmir can pursue its programme of economic and social reform free from the restrictions of the Indian constitution. And such reforms have wide-spread support in Kashmir.

## CHAPTER IX

### *Consequences of the Dispute*

The values of an early settlement of this dispute would, in my view, be tremendous for (1) the four million people of the State, (2) the four hundred million people of the two nations involved, and (3) the people of the world . . . (It) would mean that the status of the people of the State would be finally determined . . . not by the might of armies but by the will of the people, not by bullets but by ballots . . . (It) might help to settle the dispute over evacuee property . . . Moreover, (it) . . . would contribute much to the relief of the fears and tensions over canals and rivers from which come the waters for the fields, and the hopes of food and opportunity for millions of people . . . (finally) the co-operation of India and Pakistan in the demilitarization of the State of Jammu and Kashmir . . . might become one of the turning points in the history of our times toward the co-operation of all nations for the larger self-determination of all peoples. . .

Thus spoke Dr. Graham in his statement to the Security Council on October 10, 1952. But such an accord has not been forthcoming and the impact of the Kashmir dispute on Indo-Pakistan relations, as well as on the internal affairs of the sub-continent, have been of such a magnitude that its consequences merit careful attention.

#### *A. The Kashmir Dispute and Indo-Pakistan Relations*

There is abundant historical evidence to demonstrate that a pattern of hostility between States is frequently the product of a composite of disputes which interact one with another and heighten the general level of tension, thereby making more difficult the solution of any single dispute, however unrelated in nature these sources of conflict may be. The relations between India and Pakistan since 1947 reveal such a pattern, for out of the Partition there arose

various disputes different in character such as Kashmir, evacuee property, canal waters and the treatment of minorities. And yet, none of these have been resolved thus far, primarily because of their constant interaction and the resultant increase of tension.

The widespread repercussions of the Kashmir problem, and the inter-relationship of Indo-Pakistan disputes, were revealed on a number of occasions during the period of flux following the partition of the sub-continent. Its direct bearing on the implementation of the Partition Agreements emerged most clearly at the end of 1947 when there arose a conflict over the division of cash balances formerly credited to the undivided Government of India.

Under the terms of the Arbitral Tribunal Award, India agreed to allocate 75 crores of rupees (750 million) as Pakistan's share of these balances. By October, 1947, about 20 crores had already been transferred but the balance was withheld on the grounds that it might be utilized for the purchase of arms to be used in the Kashmir War. That this was the primary reason for India's action was made clear by the statements of Patel and Nehru, as well as Liaquat Ali Khan and the Pakistani Finance Minister at the time.

An agreement on the transfer of the remaining Pakistani share of the cash balances was reached on December 2nd, 1947, and Patel was expected to announce its terms one week later. Instead, the Deputy Prime Minister of India informed Parliament on the 9th that its implementation would be delayed, adding "if it is possible, all issues should be settled, including that of Kashmir . . . simultaneously. If it is not successful, we shall act in a manner which is to the best interests of the Dominion of India." (B.C. 14.1.48). Two weeks later, the Pakistani Prime Minister objected to the linking of cash balances with Kashmir, stating that he was informed by an Indian representative that payment would be postponed in view of Pakistan's hostile attitude to Kashmir. On January 2, 1948, Pandit Nehru told a press conference: ". . . we cannot make these payments at present when the money we give might be utilized for warlike preparations against India." (T. of I. 3.1.48). Liaquat Ali Khan responded on the following day, claiming that the delay in transferring the cash balances "is intended to put pressure on the Pakistan Government to fall in line with the Government of India in handing over the 3 million Muslims of Kashmir against their will to the tender mercies of the Maharaja and the Government of India" (D. 4.1.48).

The whole story of the dispute over the cash balances emerged into the limelight on January 12, 1948, when Patel asserted:

It is the Pakistan representatives who were all the time trying to soft-pedal the Kashmir issue in order to secure concessions from us on the financial issues . . . We were, therefore, fully justified in providing against Pakistan's possible continuance of aggressive actions in regard to Kashmir by postponing the implementation of the agreement (N.H. 14.1.48).

The Pakistani Finance Minister at the time, Ghulam Mohammad, replied the next day, claiming that "no condition was laid down that the settlement (of cash balances) was linked with the Kashmir issue or any other matter," adding, "We would not have signed the agreement had we known that later the Government of India would drag in the Kashmir issue." (P.T. 14.1.48).

The controversy was resolved on January 14, 1948, when New Delhi announced its intention of paying the balance immediately, as Pandit Nehru related, "in the hope that this generous gesture, in accord with India's high ideals and Gandhiji's noble standards, will convince the world of our earnest desire for peace and goodwill."<sup>1</sup>

Further evidence of the link between various Indo-Pakistan disputes was provided early in January, 1948, when it was learned that the Hyderabad Government, whose relations with India were far from cordial, granted a loan of 20 crores of rupees (200 million) to Pakistan—at the very time when India and Pakistan were engaged in mutual recrimination over the disposal of the cash balances. The connection between Hyderabad and Kashmir itself has been revealed by Mr. Campbell-Johnson who wrote on October 29, 1947: "It is noteworthy that the situation in Hyderabad has reacted sharply to the Kashmir crisis. Only twenty-four hours after the Indian acceptance of Kashmir's accession and the fly-in (of troops to the Valley) comes the report of a dramatic hold-up of the Nizam's delegation by an Ittehad-inspired mob on the eve of its departure for Delhi to sign a Standstill Agreement." (M.W.M. p. 227).

Another source of conflict between India and Pakistan, in the transitional period of crisis following the Partition, lay in the fact that the small princely state of Junagadh, like Kashmir and Hyderabad, had not acceded to either Dominion by August 15, 1947, the date of the transfer of power. With an area of only 3,300

<sup>1</sup>*Independence and After*, p. 71.

sq. miles and a population of 700,000, it could hardly compare with Kashmir or Hyderabad in size, population, strategic value or economic resources. Nevertheless, it was to assume a position in Indo-Pakistan relations far out of proportion to its actual importance.

In one respect it was a miniature Hyderabad for it had a Muslim ruling family and an overwhelming Hindu majority population—the exact opposite of Kashmir. Moreover, Junagadh's territory was completely encircled by princely States that had acceded to India, it was not contiguous at any point with Pakistan, and its railways, posts and telegraphs were an integral part of the Indian Communications system. Notwithstanding these considerations, it eventually acceded to Pakistan.

This action came as a surprise to New Delhi for at the Chamber of Princes meeting on July 25, 1947, the Prime Minister of Junagadh had indicated that he would recommend its accession to India. Furthermore, Junagadh had stated that it would go along with the policy of the other 279 Kathiawar States, all of which acceded to India. "On August 10th, however . . . there was a *coup d'état*. A group of Sindi Moslems (pro-Pakistan) took over the Government . . . and the Nawab (became) a virtual prisoner in his palace."

On September 17, 1947, two days after Junagadh's accession to Pakistan, India decided to encircle the State with its troops. Then, on November 9th, India occupied the State at the invitation of its Prime Minister, at the same time proclaiming its intention of administering Junagadh until an impartial plebiscite would determine its final status.<sup>2</sup> A plebiscite was held on February 24, 1948, under the auspices of the Indian Government, and resulted in an overwhelming vote for accession to India. The following month India informed the Security Council of its willingness to hold a second plebiscite under U.N. supervision but no action has ever been taken on this offer. Finally, in January, 1949, Junagadh was merged with Saurashtra, a Union of Princely States in the Kathiawar peninsula of north-western India.

The relationship of Junagadh to the Indo-Pakistan struggle over Kashmir lay in the fact that Pakistani spokesmen often cited the circumstances of Junagadh's accession to Pakistan, and India's reaction thereto, as being in sharp contrast with New Delhi's policy

<sup>2</sup>This account is based on material provided by Campbell-Johnson: *op. cit.*, pp. 190-199, 209-210, 228, 237, 241, 243.



*vis-à-vis* Kashmir. Thus, for example, in the course of its counter-charges before the Security Council on January 15, 1948, Pakistan accused India of aggression in Junagadh, claiming that India had violated the principle implicit in the Partition Agreements, namely that the decision regarding accession of the princely States rested with the Ruler.<sup>3</sup>

Conversely, India contended that Pakistan's policy was contradictory insofar as it wished to abide by the Ruler's decision in the case of Junagadh but refused to accept the decision of the Maharaja of Kashmir to accede to India. New Delhi also argued that in accepting Junagadh's accession, Pakistan had violated another principle of accession policy, i.e. the geographical contiguity of the princely State. For while Junagadh had a seaport, which could therefore be considered a link with Pakistan, its territory at no point touched the Pakistani frontier.

Pakistan scored an initial victory on the Junagadh issue when the Security Council passed the Syrian-sponsored resolution of June 3, 1948, calling upon the newly-established U.N. Kashmir Commission "to study and report to the Security Council . . . on the matters raised in the letter of the Foreign Minister of Pakistan dated June 15, 1948," which included the question of Junagadh (S/819, 3.6.48). Throughout the eighteen months of its existence the Commission never considered the Junagadh issue. Nevertheless, Pakistan continues to lay claim to the State as demonstrated in the correspondence between Liaquat Ali Khan and Pandit Nehru from December, 1949, to December, 1950.<sup>4</sup>

According to Richard Symonds, whose book is based partly on conversations with high officials of the Pakistan Government, "many Pakistanis admitted that the majority of the State's (Junagadh's) population being Hindus probably wished for accession to India."<sup>5</sup> The question therefore arises—why did Pakistan make such a major issue of Junagadh, a state which was strategically and economically unimportant, had no direct link with Pakistan, and whose population was generally acknowledged to be pro-Indian?

<sup>3</sup>S/646, January 15, 1948. For an elaboration of this theme, see S/P.V. 229, January 17, 1948, pp. 94, 100; S/P.V. 235, January 24, 1948, p. 246; and S/P.V. 463, February 7, 1950, pp. 31 ff.

<sup>4</sup>The full text of this correspondence is to be found in Government of India; Ministry of External Affairs: *Correspondence which has taken place between the Prime Ministers of India and Pakistan on the subject of the "No War Declaration,"* New Delhi, 1950. The full text of this correspondence is also to be found in *Pakistan News*, Karachi, December 8, 1950.

<sup>5</sup>*The Making of Pakistan*, p. 87.

In the opinion of Lord Ismay, the present Secretary-General of the North Atlantic Treaty Organization and, at the time, a member of Lord Mountbatten's staff.

the move essentially (was) one of the traps and teasings on Jinnah's part. He hopes by luring India into a militant reaction to secure a verdict on legal points and to create a valuable precedent for any attitude he may care to adopt towards the far greater Princely objectives of Kashmir and Hyderabad.

"This interpretation," remarked Campbell-Johnson, "is borne out by a significant remark Liaquat made to Mountbatten on the same visit. (i.e. when Ismay talked with Liaquat and formed the above-noted opinion on Junagadh and Kashmir) 'All right,' he told him. 'Let India go ahead and commit an act of war, and see what happens'." <sup>6</sup>

There were, indeed, certain basic differences between the Junagadh and Kashmir questions. These have been summarized by Mountbatten's Press Attaché in the following words:

Quite apart from the test of majority populations, the accession of Junagadh to Pakistan was in violation of the principle of geographical compulsion to which the Pakistan leaders had themselves subscribed (while) the accession of Kashmir was not. Moreover, from the strategic and economic points of view, while Pakistan had no interests in Junagadh, India had considerable interest in Kashmir. There were two further special factors involved in the case of Kashmir but absent from that of Junagadh—the use of force by tribal invasion to overthrow the Maharaja's regime before accession, and the presence (also before accession), of an important inter-communal political organization in the State.

Taking into account all these "other factors," the accession of Junagadh to Pakistan was wholly frivolous, while that of Kashmir to India was definitely arguable . . . Finally, it should be noted that when India challenged the validity of the Junagadh accession, Pakistan asserted the doctrine of the Ruler's absolute and sacrosanct right to accede, but promptly challenged that right in the case of Kashmir (M.W.M. pp. 291-292).

The ramifications of the Kashmir problem and its consequences on other Indo-Pakistan disputes were further illustrated during the large-scale migrations in East and West Bengal in 1950 and 1951.

<sup>6</sup>*Mission With Mountbatten*, pp. 193, 210. Further evidence for this hypothesis is to be found in the Pakistani Foreign Minister's reference to Junagadh and its implications for the Kashmir dispute. See S/P.V. 463, February 7, 1950, pp. 35-39.

While no direct link can be discerned, the opinion was frequently expressed that the tension and distrust, created and maintained by the struggle over Kashmir, provided the psychological atmosphere conducive to insecurity among the minority communities in both East and West Bengal, with a resultant migration.

In India, particularly, this view was held by leading public figures and the press. Thus, for example, in a comprehensive review of the Bengal situation on February 24, 1950, Pandit Nehru informed Parliament: "To me it appears that what has happened in Kashmir and what is happening in East Bengal are all inter-linked and we cannot separate them." (I.N.C. 24.2.50).

Of some interest in this connection was the proposal of M. N. Roy, an Indian publicist, that East Bengal be exchanged for Kashmir —on the grounds that this would remove two bones of contention between New Delhi and Karachi. It was argued that the Bengalis are a homogeneous community for whom partition is unnatural, and that both Hindu and Muslim Bengalis would welcome such a reunion. He concluded with the suggestion of an interim coalition government with representatives of both East and West Bengal and a temporary status of autonomy, the ultimate status to be determined by a plebiscite (R.H. 30.4.50).

While some newspapers severely criticized the proposal, one was rather impressed. On July 2, 1950, the South Indian *Mysindia* of Bangalore suggested that it "is worth serious consideration" for the following reasons:

Bengal is too vital a part of India to be allowed to atrophy without danger. Industrially, Bengal has most of the coal and iron . . . Moreover, the people have been of the soil of India, torch bearers of culture . . . Turning to Kashmir, our stakes there are not anywhere near those of Bengal. The question of principle and prestige apart, there is a balance of advantage in favour of the proposal to trade Kashmir for Bengal.

Although this proposal was never considered at the official level in either country, it indicates the extent to which the deadlock over Kashmir in relationship to other Indo-Pakistan problems affected a section of public opinion.

Attention was again drawn to the link between Kashmir and East Bengal during the summer of 1951 when the crisis in Indo-Pakistan relations had reached a point where outright war seemed imminent. Just two weeks preceding the arrival of Dr. Graham

in the sub-continent, and in the midst of an intense propaganda war, there began a new mass exodus of Hindus from East Bengal and a Muslim migration from West Bengal. This happened after a considerable period in which the predominant tendency was for those who had migrated during the previous year to return to their homes.<sup>7</sup>

According to Indian official sources, the period from June 11 to 24, 1951, witnessed, for the first time in almost a year, a surplus of 30,000 Hindu migrants to West Bengal, i.e. 78,324 Hindus left East Bengal and only 48,309 returned to their homes there (S. 11.7.51). On July 8, 1951, the Indian Rehabilitation Minister expressed the view that one of the factors causing the exodus was "the virulent propaganda about Kashmir in the Pakistan Press . . ." (S. 9.7.51). Two days later, the *Hindustan Times* asserted:

Of the increasing insecurity of the minority community in that territory (East Bengal), there has, indeed, been accumulating evidence and there is ample proof that nothing has led to this insecurity more than the virulent and insensate propaganda about Kashmir now being carried on in Pakistan through all media of publicity . . .

The exodus continued throughout the period of tension over Kashmir in the summer of 1951, with New Delhi and Karachi accusing each other of failing to create conditions of security and thereby compelling the minorities to migrate. According to official Pakistani sources, there was a net excess of 30,582 Muslims migrating to East Pakistan during the month of August (P.T. 17.9.51). Citing these figures, the Pakistani press launched a serious attack on the bona fides of the Indian Government's claim that minorities were receiving equal treatment in India. They charged, moreover, that India had raised serious technical obstacles to the free flow of refugees to Pakistan. The campaign reached its peak in the middle of September when leading Pakistani newspapers published a lengthy document entitled "Planned Campaign of Race Elimination" in India (D. 17.9.51).

<sup>7</sup>Early in August, 1950, Prime Minister Nehru was able to report to Parliament that during the four months after the signing of the Delhi Pact on Minorities on April 8, 1950, 600,000 Hindus had returned to their homes in East Bengal, and of these only 100,000 had come away again to West Bengal, i.e. there were half a million net Hindu returnees after the Pact. Government of India: *Press Information Bureau*; New Delhi, August 8, 1950. In October, 1950, Liaquat Ali Khan informed the Pakistan Constituent Assembly that a reverse flow of Hindus to East Pakistan had begun in the month of August, 1950, and that during the subsequent two months Hindus returning to East Bengal exceeded those departing by 87,125. *Weekly Pakistan News*, London, October 28, 1950.

All this, it should be noted, coincided with the high level of tension centering upon the Kashmir issue in the summer of 1951. Indeed, with the publication of the first Graham Report and the assassination of Liaquat Ali Khan on October 16, 1951, the tension, as well as the charges and counter-charges regarding both Kashmir and the treatment of refugees, gradually lessened.

Related to the question of refugee migration but of even greater magnitude is the problem of providing psychological and economic security, as well as equal rights, to the 35 to 40 million Muslims of India and the 10 to 12 million Hindus remaining in East Pakistan. This problem, too, cannot be entirely separated from Kashmir although the latter's effects are more potential than actual.

It may be suggested that there exists a direct correlation between the level of tension in Indo-Pakistan relations and the tendency on the part of the majority community to consider the minority a potential "fifth column" in time of crisis. As a result of numerous conversations with Indian Muslims, this writer observed a genuine concern on their part as to the reaction of Indian Hindus in the event of Kashmir going to Pakistan, with an almost inevitable mass migration of part or all of the one million Hindus and Sikhs in Jammu and Kashmir. Sir Owen Dixon referred to this danger in his report to the Security Council in September, 1950. Almost one year later, a group of 14 prominent Indian Muslims submitted a memorandum to Dr. Graham in which they stressed the possible repercussions of Pakistan's Jihad (holy war) campaign *vis-à-vis* Kashmir on the treatment of Indian Muslims by Indian Hindus:

In its oft-proclaimed anxiety to rescue the 3 million Muslims from what it describes as the tyranny of a handful of Hindus in the State (of Kashmir), Pakistan evidently is prepared to sacrifice the interests of 40 million Muslims in India—a strange exhibition of concern for the welfare of fellow-Muslims. Our misguided brothers in Pakistan do not realize that if Muslims in Pakistan can wage a war against Hindus in Kashmir why should not Hindus, sooner or later, retaliate against Muslims in India?<sup>8</sup>

Non-Muslim Indian leaders are also concerned about Kashmir's potential adverse effects on the security of Indian Muslims. This is revealed by Sardar Patel's comment, noted in Chapter III, that this was one of the reasons for India's attitude to Kashmir. Further

<sup>8</sup>Dr. Zakir Husain et al: *Indian Muslim Leaders' Memorandum on Kashmir*, August 14, 1951, p. 8.

expression of this concern is to be found in Nehru's remarks to the Indian Constituent Assembly on November 25, 1947:

The results of (Indian acquiescence in the attempted coup in Kashmir via the tribal invasion) on the communal and political situation all over India would have been disastrous.<sup>9</sup>

Should war break out in the sub-continent, the impression gathered by this writer is that the position of minorities in both India and Pakistan would be deplorable; and the possibility of such a war depends largely on the Kashmir dispute, its solution and the manner in which its fate is determined.

On April 11, 1950, just three days after the Delhi Pact on Minorities, the *Times* (of London) commented as follows on the interrelationship of Indo-Pakistan disputes and the pivotal position of Kashmir therein:

In spite of recent moves (the Pact on Minorities which eliminated the danger of war arising from the large-scale Bengal migration in the spring of 1950), Kashmir is still the most dangerous of all; the festering sore of this dispute has infected the relations between the two countries so seriously that it is directly responsible for the failures to reach agreement on evacuee property, on canal waters and on the difference between the value of the Indian and Pakistani rupee, which has ruptured commercial intercourse between the two natural partners.

Of the "natural economic partnership" between India and Pakistan little has been written for, until the Partition of 1947, the economy of the sub-continent was an integrated unit. Not unnaturally, virtually no attention was devoted to the fact that the territorial lines of division were to leave the principal source of certain raw materials in Pakistan and the complementary manufacturing facilities in India.

This distribution is most noticeable in the case of jute, of which undivided India was the largest producer in the world. Almost all the raw jute grown in the sub-continent is found in East Bengal (East Pakistan) while the jute mills are concentrated in the Calcutta area of West Bengal (India). It is also true to a lesser extent of cotton; much of the raw cotton is grown in West Pakistan while the textile mills are in Bombay, Ahmedabad and Kanpur, all in India. The Partition also affected the food problem in India seriously, for the bread basket of the West Punjab went to Pakistan,

<sup>9</sup>*Independence and After*, p. 64.

with a resulting grave depletion in the food resources of the Indian Republic. Finally, almost all of the coal and iron and, therefore, the steel production of the sub-continent remained in India. Indeed, at its birth, Pakistan lacked almost any manufacturing facilities whatsoever.<sup>10</sup>

The complementary nature of their economies is most vividly illustrated by the following trade statistics for the year 1945-1946 (E.E. 2.1.48).

*Internal Balance of Trade*

(in crores of rupees—10 million)

<i>Group of Articles</i>	<i>India</i>	<i>Pakistan</i>
A. Raw cotton, raw jute, food .....	-95	+95
B. Coal, iron, cotton textiles sugar, jute manufactures .....	+90	-90

The history of Indo-Pakistan trade relations since the Partition, like that of other aspects of their relations, is a story of short-term agreements, charges and countercharges of violation, approaching deadlock, with serious consequences on the economies of the two countries, then a gradual resumption, rendered unstable by further accusations and counter-accusations, with the cycle operating once again. At no period was a long-term agreement arrived at, in spite of the complementary nature of their economies, as evidenced in the figures cited above.<sup>11</sup> Indeed, from December, 1949, until April, 1950, there was a virtual suspension of all economic intercourse between the two countries, which was finally overcome only by the improved atmosphere following the Pact on Minorities.

The timing of the suspension as well as the resumption of trade, and the issue which led to the deadlock, demonstrate the links operating between various Indo-Pakistan disputes, and indicate the adverse consequences of the almost permanent state of crisis in Indo-Pakistan relations, to which Kashmir has contributed so much. In the middle of December, 1949, New Delhi reported that of the 1.2 million bales of raw jute purchased by India before the devaluation of the Indian rupee in September, 1949, half a million bales were being detained by Pakistan; further, that jute from Assam in transit

<sup>10</sup>For a comprehensive survey of the impact of partition on the economy of the sub-continent see C. N. Vakil: *Economic Consequences of Divided India*, Vora & Co., Bombay, 1950.

<sup>11</sup>For a survey of Indo-Pakistan trade relations see Government of India: *White Paper on Indo-Pakistan Trade Relations*, New Delhi, 1950.

through East Pakistan was also being detained. India retaliated on December 24, 1949, by suspending the supply of all coal to Pakistan, and with that trade between the two countries ceased (H.T. 25.12.49).

It was perhaps not by coincidence that the Bengal riots and the accompanying large-scale migration, which Pandit Nehru and others suggested were inextricably intertwined with the Kashmir issue, should have begun just a few days after this cessation of trade. The effect of the "jute-coal war" was serious in both East and West Bengal because the Calcutta mills had always been the principal market for East Bengal jute. The result was a considerable drop in income among the jute growers, due to the excess supply of jute and the lack of an alternative market, and considerable unemployment in the Calcutta jute industry. In this state of unrest there developed an atmosphere of communal friction which, fanned by the press of both countries, was eventually to result in the riots and the migration.<sup>12</sup>

It may also be noted that the "trade war" and the riots coincided with the publication and consideration of the final report of the U.N. Commission for India and Pakistan which revealed a complete deadlock on the preconditions for an impartial plebiscite in Kashmir. While it is difficult to establish a direct connection between these events, it can be suggested that the distrust and tension, largely created and maintained by the Kashmir conflict, provided the atmosphere for further disagreement on economic issues as well as communal friction.

The interaction of these political and economic disputes, and their consequences on Indo-Pakistan relations, were described by the influential *Eastern Economist* on November 5, 1948, in the following words:

Politically, largely because of Kashmir and the hates which partition inevitably caused, there has been growing disparity. Economically, largely because each day we realize the need of one another's resources, there has been a move for closer economic co-operation. The net effect of these conflicting claims has resulted in the tangled skein of inter-Dominion relationships in the past fifteen months.

That one dispute reacts sharply on others was demonstrated by the fact that just eleven days after the signing of the Pact on Minorities

<sup>12</sup>For an analysis of the 1950 Bengal riots see R. Lambert: "Religion, Economics and Violence in Bengal" in *Middle East Journal*, Washington, July, 1950.



the two countries undertook negotiations for a new trade agreement. One week later, on April 26, 1950, the four months suspension of trade came to an end (T. of I. 26.4.50).

Further evidence of the economic impact of this general atmosphere of discord—to which Kashmir has contributed a large share—is to be found in the fact that all Indo-Pakistani trade agreements during the last three years have also been of a short duration. Moreover, an agreement signed on August 5, 1952, excluded jute and coal, the two principal exchange commodities in the trade between the two countries (N.S. 6.8.52). The most recent trade pact, March 20, 1953, removes the mutually-discriminatory charges on Indian coal and Pakistani raw jute, and has given rise to the expectation of a long-range overall commercial treaty. In the interim, Pakistan will supply from 1.8 to 2.5 million bales of raw jute a year for three years, and India will meet Pakistan's coal requirements, about 85,000 tons a month (N.Y.T. 20,21.3.53).

Somewhat earlier, in Chapter III, brief reference was made to the problem of Canal Waters and the role it played in Pakistan's outlook on the Kashmir dispute. Without entering into a detailed survey of this question, it is important to point up some of the background facts, particularly those which provide the basis for the frequently-expressed Pakistani fear that should Kashmir remain in India, the latter would threaten the stability of the West Pakistani economy by virtue of its control over the rivers flowing from Kashmir to the West Punjab.

	<i>Irrigated Acres</i> (millions)	<i>Canal Systems</i>	<i>Value of Canal</i> <i>Irrigated crops.</i> (%)
Undivided Punjab .....	14	16	100
West Punjab (Pakistan) .....	11	12	80
East Punjab (India) ..	3	3	20
		1 (joint control)	

In December, 1947, the Chief Engineers of East and West Punjab signed a Standstill Agreement, providing for the continued supply of water from the headworks in India to the canals in West Pakistan. This interim arrangement, which was subject to renewal, was to last until March 31, 1948.

On April 1, 1948, the East Punjab Government shut off the water

supply to these canals for one month. According to official Indian sources this was done merely because the West Punjab Government failed to request a renewal of the agreement.<sup>13</sup> The Pakistani contention is that:

In total disregard of international law and the arrangements arrived at at the time of partition, East Punjab refused to renew the arrangements as to management details, and shut off supplies to the Upper Bari Doab Canal (the one jointly-operated canal) on April 1, 1948 . . . On the same date, it refused to permit the flow of water to the canals in West Punjab and Bahawalpur . . . thus causing not only serious damage to crops but also a most acute distress to hundreds of thousands of people who were dependent on these canals even for their drinking water.<sup>14</sup>

On May 4, 1948, an agreement was reached at the Inter-Dominion Conference in New Delhi, whereby Pakistan agreed to a progressive diminution of the water supplied to the West Punjab Canals in recognition of East Punjab's greater need for the irrigation of its famine areas; India, for its part, agreed to supply water "for a reasonable period" until Pakistan could find alternative sources.<sup>15</sup>

Since that time negotiations have continued but without success. During the past five years Pakistan has been receiving a substantial, though gradually diminishing supply of water—in India's view, as stipulated in the Delhi Agreement of May 4, 1948, in Pakistan's view, a gross violation of international law and a threat to the economy of West Pakistan.

The important fact, in the Pakistani view, is that India did cut off the vital water supply to the canals of West Punjab. Mr. David Lilienthal, who visited the sub-continent in the summer of 1951, has described the impact of India's action in 1948, and the one-day stoppage of water in 1951, in these words:

I talked to Pakistanis so furious and worried that they were ready to fight with their bare hands. Later in the day the waters were up again; but the fear was still there. In the spring of 1948 . . . India cut off most of the supply of water to Pakistan for a month causing distress, loss of crops and general disruption. This rankles and makes Pakistan fearful of the future.<sup>16</sup>

<sup>13</sup>The above-noted statistics and facts are taken from Government of India: *Information Services*, New Delhi, September 22, 1949.

<sup>14</sup>*Weekly Pakistan News*, London, April 8, 1950. (Supplement on "Indo-Pakistan canal waters.")

<sup>15</sup>For the text of this agreement see Government of India: *Correspondence . . . on the subject of the "No War Declaration,"* New Delhi, 1950, Appendix C.

<sup>16</sup>"Another 'Korea' in the Making?", in *Colliers*, New York, August 4, 1951, p. 58.

The dispute over canal waters revolves around the Indus river and its five tributaries—the Jhelum, Chenab, Ravi, Beas and Sutlej. The first three flow through Kashmir to West Pakistan; the others have their source in India and flow through East Punjab to West Punjab. It is important to note that the water supply which was temporarily cut off in April, 1948, and in the summer of 1951 came from the river Ravi which flows through India and Pakistan but at no point enters the territory of Jammu and Kashmir.

With regard to the role of the Kashmir rivers, it would appear that

of the three rivers which flow into Pakistan from Kashmir viz. Indus, Jhelum and Chenab, Pakistan apparently does not dispute that the diversion of water from the first two for use to Indian territory is not possible, but states that by constructing a dam at Dhiangarh . . . the whole of water supply of the river Chenab can be diverted into the river Ravi in India to the detriment of Pakistan (P.T. 10.9.51).

In short, the connection between the Kashmir rivers and the canal waters dispute is confined to the possibility of diverting the *Chenab* river from West Punjab. That this is the crux of the relationship is also reflected in Sir Owen Dixon's report, for the former Mediator made his plan of a plebiscite in the Valley (along with partition of the rest of the State) conditional upon the following: "that if the result was to put the upper waters of the Chenab river into the control of India, she would not divert them by artificial works so that Pakistan would receive a seriously reduced volume of water." (S/1791, 15.9.50, p. 17).

One may make the following observations on the basis of the above-noted facts: (a) an adequate water supply is vital to the very existence of West Pakistan; (b) the only *direct* link between Kashmir and the potential adverse consequences for the Pakistani economy is the possibility of diverting *one* of the Kashmiri rivers, namely the Chenab; (c) an understanding of the basic issues involved in the canal waters dispute and its relationship to the Kashmir problem has been made more difficult by interlinking the two questions and by suggesting that only complete and permanent Pakistani control over Kashmir can guarantee an assured supply of water to West Pakistan.

While this hypothesis cannot be verified conclusively, some supporting evidence is to be found in the most recent official Pakistani publication on the Canal Waters dispute. Entitled *India's Stoppage of Canal Water as Devastating as an Act of War*, it surveys in great

detail the history of the dispute from 1947 to the spring of 1953. In the context of the present discussion, the striking fact is the almost exclusive concern with the adverse effects on West Pakistan's economy arising from India's diversion of the waters of the Sutlej and Ravi, neither of which flow through Kashmir territory. Indeed, there is only one oblique reference to Kashmir, namely that Pakistan's predicament would be greater if Kashmir becomes a permanent part of India and the latter should attempt to divert the Chenab and Jhelum rivers, which have their headwaters in Kashmir, away from Pakistan.<sup>17</sup>

In the broader perspective of Indo-Pakistan relations the two disputes are, indeed, very closely related insofar as both have served as sources of endless friction between New Delhi and Karachi. They are, nevertheless, two *distinct* questions. The relationship between them would seem to lie not in the link between the Kashmir rivers and the problem of ensuring the water supply for West Punjab; rather, in the atmosphere of tension and suspicion which makes it virtually impossible for New Delhi and Karachi to consider on their merits the technical and administrative problems in the division of waters.

As to its relative importance, some have suggested that the canal waters dispute "is of a much lesser magnitude than Kashmir and evacuee property . . . Its roots can be traced to the two major disputes." (E.E. 23.9.49). Mr. Lilienthal is of the opinion that it "is the most deep-seated, and until it is solved, there is no hope of solving the Kashmir dispute." Whichever viewpoint is correct, and this writer is inclined to the former, the failure to solve either has made more difficult a mutually-satisfactory solution of the other. Indeed, the impression gained by this writer in conversations with prominent officials in the sub-continent, who attended most of the Indo-Pakistan Conferences during the past four years, is that on every issue the primary cause of disagreement was the prevailing atmosphere of distrust to which Kashmir contributed the largest share.

#### B. *Repercussions on Domestic Affairs in the Sub-Continent*

In Pakistan so much attention has been devoted to Kashmir during the past six years that as one American correspondent, A. T. Steele, has suggested, "few people outside Pakistan realize how large the Kashmir issue bulks in the minds and emotions of Pakistani

<sup>17</sup>Special Supplement to *Pakistan News and Views*, Ottawa, February 19, 1953.

leaders. It dominates the national thinking. It is whipped up by the press . . ." (N.Y.H.T. 1.1.51). Indeed, the Kashmir issue has loomed so large on the horizon of Pakistani politics that it seems correct to say "no government . . . which gave way on the Kashmir question would be likely to remain in office in Pakistan for a day."<sup>18</sup>

The most striking examples of the role played by the Kashmir dispute in Pakistani domestic affairs emerged in the early months of 1951 during the campaign preceding the general elections in the West Punjab. On the 21st of January, the President of the Punjab Muslim League and the Pakistani Minister for Kashmir Affairs asserted that support for the League was the surest guarantee of a fair and just settlement of the Kashmir dispute; further, that the Punjab elections were, in effect, a test of the interest of Pakistanis in the "liberation" of Kashmir (D. 22.1.51).

On the eve of the Punjab elections, Karachi announced the discovery of a conspiracy led by Major General Akbar Khan, the Chief of Staff, which allegedly aimed at the establishment of a "military dictatorship" (D. 9.3.51). For almost two years the accused were tried secretly, and little information about the motives and objectives of what has been termed the Rawalpindi Conspiracy Case has come to light.<sup>19</sup> Some observers, however, suggested a link with Kashmir. On March 15, 1951, the *Times* (of London) commented as follows:

Akbar Khan was closely connected with the Azad Kashmir Movement and, being a Pathan, he sympathized with the wish of the Frontier tribes to settle the Kashmir issue by force. While the meeting ground between the military conspirators and the left wing intellectuals was not clear, both might prefer a military dictatorship to the present regime and may feel that as no aid can be expected from the West . . . on Kashmir, Pakistan should rely on its own strength and possibly seek Soviet aid.

In the Indian political scene the dispute over Kashmir has not occupied such a key position. And yet, at least one political leader, Master Tara Singh of the Sikhs, correlated Kashmir with the stability of the regime by suggesting that "if Kashmir is lost to Pakistan then the Nehru Government will not last for even a single day" (N.S. 25.12.50). While this view is not representative of Indian political

<sup>18</sup>R. Symonds: op. cit., p. 162.

<sup>19</sup>On January 5, 1953, 11 military officers and 3 civilians were sentenced to relatively light terms, the exception being 12 years for Akbar Khan. One civilian, Begum Shah Nawaz, was acquitted. *Pakistan News Digest*, Karachi, January 15, 1953.

opinion, it is of some interest to note the speculation of one commentator that among the possible reasons for the vague conclusions of Dr. Graham's first report in October, 1951, was the Mediator's belief that India could not be expected to commit itself or to make further concessions on Kashmir until after the Indian General Elections, which were held in early January, 1952 (H.T. 20.10.51).

Indeed, a number of Indian parties and political leaders did inject the Kashmir issue into the election campaign. The most dramatic was the resignation of Dr. Ambedkar, the leader of the Scheduled Castes (Untouchables) Federation, from the Central Government on October 11, 1951. Among other things, he criticized New Delhi's policy on Kashmir and openly advocated partition in the following words:

Our quarrel with Pakistan is a part of our foreign policy about which I feel deeply dissatisfied . . . The real issue (in Kashmir) to my mind is not who is in the right but what is right. Taking that to be the main question, my view has *always* been that the right solution is to partition Kashmir. Give the Hindu and Buddhist part to India. We are really not concerned with the Muslim part of Kashmir. It is a matter between the Muslims of Kashmir and Pakistan (H.T. 12.10.51).

The Hindu communalist Jan Sangh, under the leadership of Dr. S. P. Mookerjee, as well as the Hindu Mahasabha, also gave a prominent place to the Kashmir question in their election manifestoes and public speeches.

Perhaps the most significant illustration of Kashmir's potential effects on Indian domestic affairs relates to the future status and privileges of the former Indian princes. In return for the loss of their political power—resulting from the integration of their States into India after 1947—284 princes receive 58 million rupees, (\$12.2 million) in annual pensions from the central Government, ranging from 5 million rupees (\$1.05 million) to the Nizam of Hyderabad to 192 rupees (\$40) to the Raja of Katodia—and these are exempt from taxation, according to Article 291 of the Indian Constitution. Moreover, 7 of the important princes were further recompensed by a life appointment as Rajpramukh—the equivalent of Governor—of the States over which they formerly ruled or unions of princely territories. This was the price paid by New Delhi for the peaceful incorporation of the princely States into the new India.

Five years after this "bloodless revolution," the Kashmir Government fulfilled a basic objective which will probably have grave

consequences on these arrangements. As provided in the India-Kashmir Agreement of July 24, 1952, analyzed in the preceding chapter, the Dogra dynasty which had reigned in Kashmir since 1846 was to be abolished, and the last Maharaja, exiled since 1949, was to be replaced by a powerless constitutional Head of State. The formal abolition of the monarchy took place on August 21st when the Kashmir Constituent Assembly unanimously passed a resolution to that effect (N.Y.T. 22.8.52).

The reaction in India was portentous. On August 3, 1952, a conference of M.P.'s from former princely States—most of them members of the ruling Congress party—adopted a resolution demanding the abolition of the institution of Rajpramukhs (N.S. 4.8.52). The same day the Akali Dal (an influential Sikh party) of PEPSU — Patiala and East Punjab States Union—passed a similar resolution.

In a similar vein, and of very great significance, was Prime Minister Nehru's appraisal to Parliament:

Obviously what happens in one place has its reactions and repercussions in another, and undoubtedly what is happening, or is likely to happen, in Kashmir must have its reactions elsewhere (N.S. 9.8.52).

He also criticized the life-term appointments of Rajpramukhs as "not in keeping with either modern thought or intelligent thought," and termed princely pensions "very large, unnecessarily large." (M.S. 15.9.52). Supporting this view, the *National Standard* commented on August 9th:

There is a growing demand in India to abolish the institution of Rajpramukhs. Democrats will welcome an amendment to the Constitution to allow Heads of State to be elected. (Moreover), many people think abolition of zamindaris with compensation is financially impracticable. (And only Kashmir has abolished both, the latter without compensation.)

In conclusion, it remarked: "Progressive people will regard Mr. Nehru's prediction of the shape of things to come as inevitable."

Of considerable interest, too, is the "real explanation" of Nehru's concessions to Kashmir in the Agreement of July, 1952, and the possible impact of Kashmir's reforms on India. According to Dr. Krishnalal Shridharani, well-known Indian author and correspondent,

Nehru wanted to keep Kashmir as free of the Indian Constitution as possible. Insiders know by now that . . . he has begun to feel that our Constitution is so binding as to impede rapid progress towards

economic and agrarian reforms. Thus he found Kashmir in a happier position than the rest of India. He has said that he likes very much the land reforms in Kashmir . . . (A.B.P. 29.7.52).

In addition to these political and psychological consequences, the Kashmir dispute exerted a shattering effect on the economies of India and Pakistan. Some prominent Indian public figures expressed considerable concern about this economic impact of the Kashmir War and the subsequent deadlock.

As early as March 8, 1948, Mr. Campbell-Johnson recorded that Rajagopalacharia, the last Governor-General of India and present Premier of Madras State, "said he was deeply worried about Kashmir. The country's resources were being squandered. It was like trying to mend a broken tea cup at this party and forgetting all about the guests." (M.W.M. p. 297). At the time of the Cease-Fire Agreement on January 1, 1949, some Indian economists suggested that the termination of military operations in Kashmir would save India approximately 2½ million rupees a day, which would be of great value in curbing the then-existing monetary inflation (T. of I. 2.1.49).

Further concern was expressed by Socialist leader J. P. Narain soon after the publication of the Dixon Report:

If Partition (of Kashmir) is inevitable, that price also should be paid so that the country might go forward with its plan of reconstruction and the poisoned relations between India and Pakistan might improve. The entire economy . . . has been put under an unbearable strain on account of our military expenditures (T. of I. 22.9.50).

In the spring of 1951, Dr. S. P. Mookerjee criticized the Government's policy *vis-à-vis* Kashmir and asserted that almost one billion rupees had been spent on Kashmir (T. of I. 29.3.51). In Pakistan there has been no such criticism, although Kashmir has taxed its economy even more severely.

To appreciate the magnitude of the economic effects of the Kashmir dispute on India and Pakistan, it is necessary to examine the Central Government budgets of the two countries during the past five years. In attempting to calculate the proportion of government revenue allotted to defence, one must take into consideration the dual budget system of both India and Pakistan, i.e. the existence of a *Revenue* budget and a special *Capital* budget. The financial position of the two States since 1948, with special reference to defence expenditures, is set forth in the tables on the following two pages.



## BUDGET OF INDIA\*

(millions of rupees)

REVENUE BUDGET†	1948-1949 (Revised Estimates)	1949-1950 (Revised Estimates)	1950-1951 (Revised Estimates)	1951-1952 (Revised Estimates)	1952-1953 (Revised Estimates)	1953-1954 (Estimates)
Total Revenue.....	3383.2	3323.6	3872.1	4976.7	4186.4	4392.6
Total Expenditure.....	3398.7	3361.0	3792.8	4050.6	4224.3	4388.1
Defence.....	1554.3	1700.6	1794.7	1812.4	1927.3	1998.4
<i>Percentage of Total Revenue allotted to Defence in the Revenue Budget.....</i>	45.9	51.2	46.3	36.4	46.0	45.5
<b>CAPITAL BUDGET</b>						
Defence.....	99.1	120.0	57.5	161.5	87.1	150.0
<i>Total Annual Defence Expenditure.....</i>	1653.4	1820.6	1852.2	1973.9	2014.4	2148.4
<i>Percentage of Total Defence Expenditure to Total Current Revenue**.....</i>	48.9	54.8	47.9	39.7	48.1	48.9

\*The figures for 1948-1949 are taken from *Hindustan Times*, New Delhi, March 1, 1949. Those for 1949-1950, 1950-1951 and 1951-1952 are from Government of India: *White Paper on Budget, 1950-51, 1951-52, 1952-53*, respectively, New Delhi, 1950, 1951, 1952. The defence estimate on capital budget for 1950-1951 and 1951-1952 is taken from Government of India: *Budget of the Central Government for 1951-52 and 1952-53*, New Delhi. The revised estimates for 1952-1953 and estimates for 1953-1954 are taken from *Eastern Economist*, New Delhi, March 6, 1953. (Special Budget Number)

†The Railways, Posts and Telegraphs estimates incorporated in the above table are *net* figures.

\*\*The capital expenditures are covered almost entirely by loans, Treasury bills, etc. Therefore, this combined defence % of Total Revenue in the Revenue Budget provides insight into the *current* burden of Defence on the revenue of the Government of India.

## BUDGET OF PAKISTAN\*

(millions of rupees)

REVENUE BUDGET†	1948-1949 (Revised Estimates)	1949-1950 (Revised Estimates)	1950-1951 (Revised Estimates)	1951-1952 (Revised Estimates)	1952-1953 (Revised Estimates)	1953-1954 (Estimates)
Total Revenue . . . . .	587.0	754.6	1236.8	1405.6	1246.0	986.0
Total Expenditure . . . . .	582.7	752.3	947.2	1329.0	1243.9	984.6
Defence . . . . .	402.8	509.0	607.0	721.1	672.4	601.0
<i>Percentage of Total Revenue allotted to Defence in the Revenue Budget . . . . .</i>	68.6	67.4	49.1	51.3	53.9	60.9
<b>CAPITAL BUDGET</b>						
Defence . . . . .	211.1	247.0	135.4	155.1	292.7	199.0
<i>Total Annual Defence Expenditure . . . . .</i>	613.9	756.0	742.4	876.2	965.1	800.0
<i>Percentage of Total Defence Expenditure to Total Current Revenue** . . . . .</i>	104.6	100.2	60.0	62.3	77.5	81.1

\*The figures for 1948 to 1954 are taken from the annual budget speech of the Pakistan Finance Minister. See Government of Pakistan: *Budget 1949-50, Finance Minister's Speech*, Karachi, 1949. (Annually to 1953-1954)

†The Railways, Posts and Telegraphs estimates incorporated in the above table are *net* figures.

\*\*The capital expenditures are covered almost entirely by loans, Treasury bills, etc. Therefore, this combined defence % of Total Revenue in the Revenue Budget provides insight into the *current* burden of Defence on the revenue of the Government of Pakistan.

The *direct* influence of the Kashmir problem on Indian finances was acutely illustrated by Finance Minister Matthai's statement to Parliament on February 28, 1950, that the final Indian defence expenditure for 1949-1950 was 126 million rupees higher than the original estimates. The reason, he declared, was that the Cease Fire Agreement of January 1, 1949, had not led to a solution of the Kashmir dispute. As a result, the anticipated defence expenditure had to be increased considerably and the expected surplus of 88 millions for that year was transformed into a deficit of 38 million rupees (H.T. 1.3.50).

As for Pakistani finances, the widow of Liaquat Ali Khan, who was a member of her country's delegation to the U.N. in 1952-1953, related on December 11, 1952, that until the status of Kashmir is finally determined, Pakistan will be compelled to spend 85 *per cent* of its budget on defence (N.Y.T. 12.12.52).

From this general survey of Indo-Pakistan disputes and Kashmir's role therein, there emerge a number of pertinent observations. Firstly, though different in nature, all of these by-products of the partition of the sub-continent constantly interact one with another and thereby perpetuate an atmosphere of profound distrust and animosity between India and Pakistan. Moreover, it is this atmosphere which, by its continued existence, renders exceedingly difficult the solution of any one dispute, the indispensable prelude to a genuine rapprochement. Thirdly, of these various foci of conflict, the Kashmir problem seems to have contributed the largest share to the pattern of discord, with grave repercussions on all aspects of Indo-Pakistan relations during the first six years of their existence as independent States. Furthermore, aside from this "function" of perpetuating, in large measure, the high level of tension and hostility, the deadlock over Kashmir has paralyzed economic progress in Pakistan and severely hindered economic development in India by causing the diversion of an enormous share of their annual budgets into unproductive defence preparations. And finally, in order for the destructive malaise to be cured, the vicious circle of Indo-Pakistan disputes must be broken; and the key to cutting the Gordian knot is a genuine solution of the dispute over Jammu and Kashmir. Indeed, an end to the struggle for Kashmir would ease the general tension considerably and thereby facilitate the solution of other issues preventing the desired reconciliation of the two countries.



## A CHRONOLOGY OF KEY EVENTS

- 1846—March 16: Treaty of Amritsar—the acquisition of Kashmir by Gulab Singh, founder of the Dogra dynasty.
- 1932—Spring: Formation of the All-Jammu and Kashmir *Muslim* Conference.
- 1939—June 11: Transformation of the Muslim Conference into the All-Jammu and Kashmir *National* Conference under the leadership of Sheikh Abdullah.
- 1944—New Kashmir Programme adopted by the National Conference.
- 1946—March - May: “Quit Kashmir” movement of the National Conference.  
May 26: Sheikh Abdullah and other National Conference leaders arrested.  
October 25: Ghulam Abbas, leader of the Muslim Conference, arrested.
- 1947—June 3: Official British Government proposals for the partition of India announced.  
June 17 and July 31: Mohammad Ali Jinnah, leader of the Muslim League and subsequently Governor-General of Pakistan, assured the Princes of their complete freedom to accede to India or Pakistan or to become autonomous.  
July 25: Lord Mountbatten urged the Princes to join either India or Pakistan, taking into consideration the wishes of their people, geographical position, etc. . . .  
August 9: The “Poonch Revolt.”  
August 15: Partition of the sub-continent.  
Standstill Agreement between the Maharaja of Kashmir and Pakistan.  
October 21: Tribal invasion of Kashmir began in force.  
October 24: Pro-Pakistani Azad Kashmir Government formed.  
October 26: Maharaja of Kashmir acceded to India.  
October 27: Indian troops arrived in the Valley of Kashmir at the Maharaja’s request.  
October 31: Emergency Administration established in Kashmir with Sheikh Abdullah as Head.  
November 1: Lahore Conference between Mountbatten and Jinnah.
- 1948—January 1: India submitted formal complaint against Pakistan’s alleged complicity in the tribal invasion to the United Nations.  
January 15: Pakistan submitted counter-charges against India to the United Nations.  
January 17: Security Council Resolution called for a cessation of hostilities.

January 20: Security Council Resolution established three-member U.N. Commission for India and Pakistan.

March 5: Proclamation of the Maharaja of Kashmir established Interim Government with Sheikh Abdullah as Prime Minister and his colleagues of the National Conference in the Cabinet.

April 21: Security Council Resolution enlarged Commission to five and proposed comprehensive solution—rejected by both parties.

May 5: Regular Pakistani troops enter Kashmir to participate in the war.

June 3: Security Council Resolution enlarged Commission's terms of reference to include all Pakistani counter-charges.

August 13: Resolution of the U.N. Commission on the provisions for a cease-fire and truce—accepted by both parties.

1949—January 1: Cease-Fire in Jammu and Kashmir.

January 5: Resolution of the U.N. Commission embodying its Resolution of August 13, 1948 and adding provisions for a plebiscite—accepted by both parties. (These two Resolutions still remain the basic terms of reference for U.N. attempts to implement the mutually-accepted plebiscite).

July 27: Karachi Cease-Fire Agreement demarcated the Cease Fire Line.

August 31: President Truman and Prime Minister Attlee appealed to the parties to accept arbitration of differences in the interpretation of the Resolutions of August 13, 1948, and January 5, 1949. Pakistan accepted, India rejected.

1950—January - February: McNaughton Proposals for the demilitarization of the State.

March 14: Security Council Resolution calling for the appointment of a U.N. mediator to implement the demilitarization of the State on the basis of McNaughton's proposals. Pakistan accepted, India rejected.

April 12: Sir Owen Dixon appointed U.N. Mediator.

May - August: Dixon mediation effort—unsuccessful. Proposal of partition of parts of the State and a plebiscite in the Kashmir Valley rejected.

May: Kashmir Government introduced Distressed Debtors Relief Act.

July 13: Kashmir Government enacted far-reaching agrarian reform—Abolition of Big-Landed Estates Act—all landholdings above 22 acres to be confiscated and distributed to cultivators, nationalization of other land.

1951—January: Commonwealth Prime Ministers' Conference made unsuccessful attempt to break the impasse over demilitarization.

March 30: Security Council Resolution provided for the appointment of another mediator to implement the demilitarization of the State on the basis of the Resolutions of August 13, 1948 and January 5, 1949. Also called on the parties to accept arbitration of differences in interpretation of those resolutions. Pakistan accepted, India rejected.

April 30: Dr. Frank Graham appointed U.N. Mediator.

Summer: Intense propaganda war and high level of tension in the sub-continent.

October 15: Graham submitted First Report to the Security Council, announcing partial agreement on his demilitarization plan.

October 31: Constituent Assembly of (Indian) Kashmir formally convened.

November 10: Security Council Resolution called on Graham to continue mediation effort.

December 18: Second Graham Report indicated continued impasse.

1952—April 22: Third Graham Report indicated little progress.

July 24: India-Kashmir agreement granted autonomy to Kashmir and unique status within the Indian Union. Also provided for the abolition of the monarchy.

August 21: Kashmir Constituent Assembly unanimously passed resolution providing for the abolition of the Dogra dynasty, and its replacement by a constitutional Head of State for a term of five years.

September 18: Fourth Graham Report informed the Security Council that the one remaining point of disagreement related to the size and character of forces to remain on each side of the cease-fire line at the end of demilitarization.

November 14: Prince Karan Singh, son of the last Maharaja, elected first Head of State by the Kashmir Constituent Assembly.

December 23: Security Council Resolution urged India and Pakistan to enter immediate negotiations regarding this technical problem, proposing 3,000 to 6,000 troops on the Pakistani side and 12,000 to 18,000 on the Indian side as the basis for discussion, originally Graham's proposal. Also requested the parties to report back within 30 days. Pakistan accepted, India rejected the resolution but agreed to continue negotiations.

1953—March 27: Dr. Graham informed the Security Council that another Geneva Conference at ministerial level, held from February 4th to 19th, failed to break the impasse.

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