

# *Crisis in Kashmir*

1947 to 1966

Alastair Lamb



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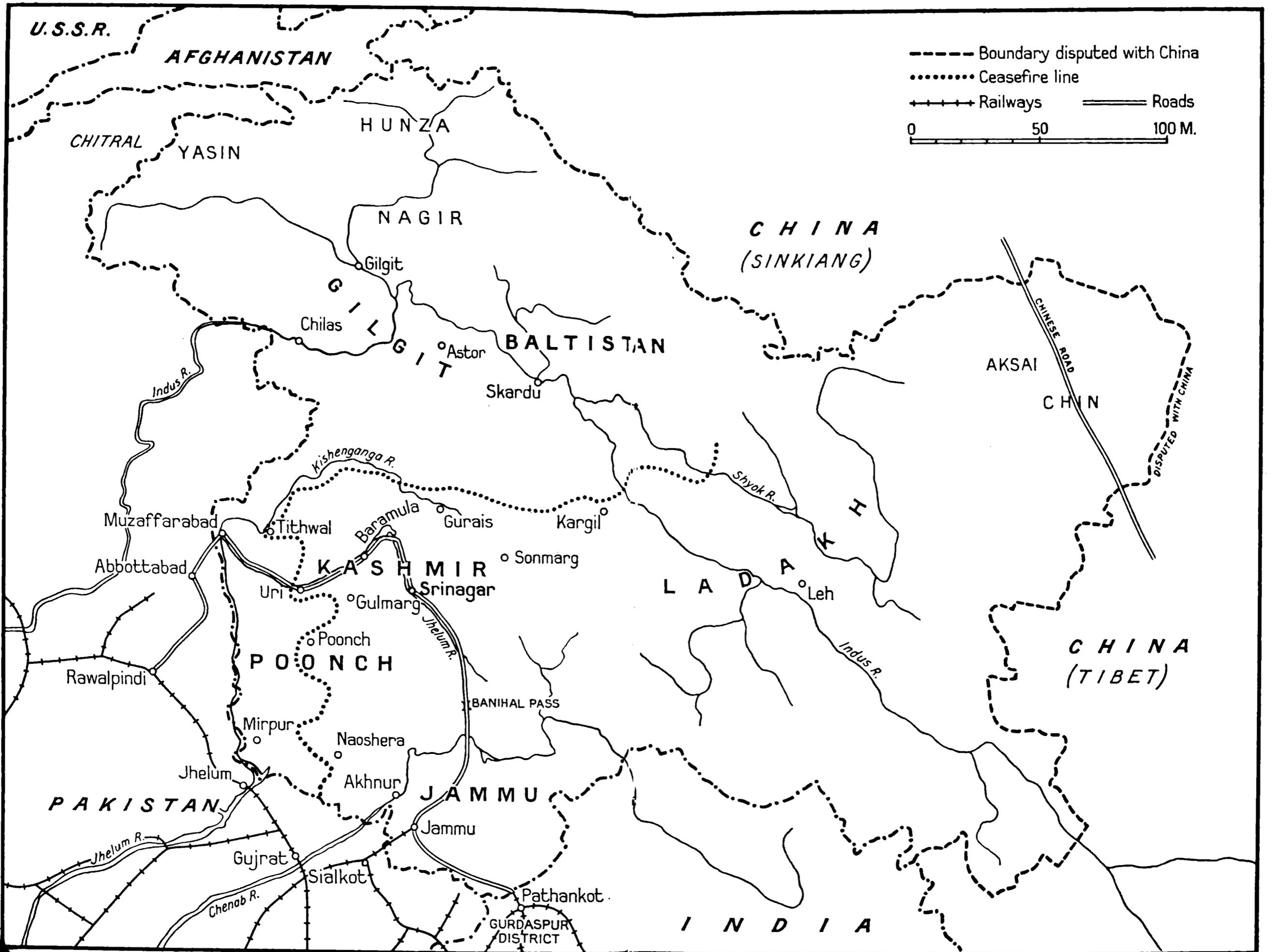
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## *Acknowledgements*

This book is not intended to be a comprehensive study of the Kashmir question. So much has been said and written about Kashmir over the last two decades that to deal with it all would produce a work of prodigious size. My aim has been to present a brief outline of an historian's view of this tragic quarrel between the two successors to the British rule in the Indian subcontinent. I have kept footnotes to the minimum and have made no reference to the bulk of the material in newspapers and journals which I have consulted. Without the help of D. I could not have done the research on which this book is based; but I would like to make it clear that she is in no way responsible for the views which I have expressed. I would also like to acknowledge the help which I received from Mr. C. H. Curtis, Bibliographical Officer in the Hertfordshire County Library, who went out of his way to provide me with material when I needed it. Finally I would like to thank Margaret and Ashley Havinden and Alison and Hope Bagenal who at various times provided me with room in which to get on with my writing.

A.L.

*Roxford and Leaside, Hertingfordbury*  
*May 1966*



Jammu and Kashmir State



# I

## *The Indian Princely States, Paramountcy and Partition*

Twice in the last two decades the Kashmir dispute, the question of the future of this unhappy State which on the eve of independence in the subcontinent possessed a Muslim majority ruled by a Hindu dynasty, has brought India and Pakistan to undeclared war. In the first Kashmir crisis, in 1947 to 1949, actual fighting was confined to the disputed region: but in the second great crisis, during August and September 1965, the clash of men and arms spread from Kashmir all along the borders of West Pakistan, and there were reports of air operations in East Pakistan as well. Had not a cease-fire been arranged on 23 September 1965 by the United Nations (assisted no doubt by a Chinese ultimatum), it seems more than probable that the Kashmir issue would have escalated into a general Indo-Pakistani war of formidable proportions. Such a war, despite the *détente* under Russian auspices which was secured at Tashkent in early 1966, may yet break out. There has been a cease-fire in the subcontinent; but it cannot be said that any final settlement of the Kashmir problem is at present in sight.

The Kashmir dispute has guaranteed that a state of tension should continue in being between the two great powers of the Indian subcontinent. India and Pakistan at the outset had a great deal in common. They shared many of the same cultural traditions and languages. Their leaders had been members of the same government service or had at some period been allies in the political struggle against the same opponent, the British. Indians and Pakistanis knew each other and understood each



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other. Many observers in 1947 hoped and believed that, once the first difficult days of independence were over, India and Pakistan would settle down together in some kind of joint harness, combining their resources and their talents to solve the vast social and economic problems facing the subcontinent. In the event, such hopes were not fulfilled. India and Pakistan have grown steadily apart over the years. The common British legacy has evolved in quite different ways in the two States. Far from co-operating, the two Powers have felt themselves obliged to maintain large military forces to defend themselves against each other. Their foreign policies have followed fluctuating and divergent paths, oscillating between the major Power blocs in the Cold War. Behind all this, perhaps not as the sole factor but without doubt as a most important one, lies the problem of Kashmir. What is to be the future of this region where, by a chapter of historical accidents, a Muslim majority entered the age of Asian independence under the leadership of a Hindu ruler? This is a question for which, after nearly twenty years of argument, India, Pakistan, the United Nations and the leaders of a number of major World Powers have all failed to find an effective answer.

In one sense the Kashmir problem can be seen as a consequence of the British failure to find a satisfactory method for the integration of the Princely States into the independent India and Pakistan which succeeded the British Raj. There were 562 Princely States in British India by the time of the transfer of power, and they covered over one-third of the total area of the Indian Empire. Some States were tiny, controlling but a few acres of land: others were large indeed. Hyderabad and Kashmir, the most extensive of all the States, each occupied more than 80,000 square miles; and each contained more land than England and only a little less than the entire United Kingdom. The Princely States came into being as a result of a series of historical accidents during the progress of formation of the British Indian Empire. Some Indian rulers were not only conquered by the British but also deprived of their estates and their political power: others, by good fortune or skilful diplomacy,

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managed to survive as sovereignties in treaty relationship with the British Crown. They surrendered to the Crown the right to conduct their own foreign policy, but they retained a very great deal of independence in other fields. In matters of internal policy the rulers of some of the Princely States could do very much as they pleased provided that they did not threaten the stability of British rule in the subcontinent and provided that they did not commit acts of oppression so overt as to offend the by no means over-tender moral susceptibilities of the Indian Government. The British certainly made no attempt to ensure that the rulers of the States belonged to the same religious community as did the majority of their subjects.

In theory – if we may be permitted to simplify an extremely complicated subject – the Princely States were allies of the British Crown rather than subjects of the British Indian Government. Their rulers of course, were not exactly equals of the British monarch, and their status could not be compared to that of any of the major European kings. Yet they were not precisely subjects of the British monarch either. The relationship between Indian prince and British monarch was described as one in which the Prince recognized British Paramountcy, an act which certainly differed in some significant ways from the recognition of British sovereignty. It would have been quite possible in constitutional theory, if not in practice, for the British to have retained their Paramountcy over the Indian Princely States while relinquishing their sovereignty over the rest of India which had been under direct British administration.

During the first half of the nineteenth century the policy of the Government of British India appeared to be evolving towards the suppression of the Princely States as entities with internal autonomy. While it was never actually declared that the concept of Paramountcy was anathema to the British Government, yet it was seen that in the interests of administrative efficiency it would be as well if the States, when the opportunity arose, should be abolished and their territories gathered in within the shade of the umbrella of the Governor General's direct rule. In the 1850s, during the administration of Lord

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Dalhousie, this policy was expressed with some precision in the so-called doctrine of 'lapse' which provided for the British annexation of States whose rulers had died without direct heirs. The policy of 'lapse', however, came to an abrupt end in 1857 with the outbreak of the Indian Mutiny. It was discovered on the one hand that some States, threatened by the application of 'lapse', had taken up arms against the British. On the other hand it was appreciated that the States, properly handled, could provide a very useful bulwark to British rule against dangers in other directions. Thus from 1858 onwards it became an axiom of British policy that the States should continue in being.

The States survived because, in the last analysis, the British felt that it would be safer to keep them. With the progress of the Indian economy many of the States became so integrated into the rest of India as to make it quite impossible for them to continue in being on their own in the event of a British abandonment of the subcontinent: but this did not modify the nature of the British relationship with their rulers. Nor did economic integration make the States any the less useful to the British as a foil for the rising influence of Indian nationalism. This fact guaranteed that the Indian nationalist leaders should, to say the least, consider the rulers of the States with some suspicion and distaste; and it made it extremely unlikely that the States could survive unchanged in any independent India which might arise following the departure of the British.

So long as the British intended to try to rule India without Indian participation, the States were useful. Once the British began to prepare for a significant measure of Indian self-government, the States began to become something of a liability. Their presence made the execution of British policy far more difficult than it might otherwise have been. The States, for example, greatly complicated British attempts to implement the Government of India Act, 1935; and, as we shall see, the existence of the States has had bloody consequences for the subcontinent following the British transfer of power in 1947. Once the British became committed to the conceding of some

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degree of Indian participation in government, then the future constitutional history of the States began to present serious difficulties. In many States the nature of Paramountcy made the Indian Government virtually powerless to bring about effective social and political reform; and the result was that the further political progress advanced in the Indian provinces under direct British rule the more anachronistic the States became. British support of the States, in these circumstances, could only arouse the suspicions of Indian nationalists who could not help seeing in the States a covert plot to prolong the British Raj.

In a way the nationalists were right. The British *did* look on the States as a protection against the extremes of nationalist sentiment, and right up to 1947 some British officials so continued to regard them. It was not easy for the governors of British India to make the change in outlook involved in the recognition of the fact that British rule would soon have to give way to Indian self-government, for to do this would involve a departure from the fundamental axiom upon which the very existence of British India was based. In the latter days of the Raj many British apologists would point to the very fact of British India as its own justification. Look, they said, at what we have done. We have built canals and railways where before there were deserts and dusty cart tracks. We have established sound government, fair and honest, where before there was anarchy, corruption and oppression. We have created a great united dominion where prior to our arrival there was a patchwork pattern of warring petty states. And so on and so forth in many a speech and book of self-congratulation. But these apologists forgot what was so clear to a late Victorian observer like Seely, that this was not why the British had come to India at all.<sup>1</sup> Clive did not fight the battle of Plassey in order to make India safe for large works of irrigation. Lord Wellesley and the Marquess of Hastings did not wage war against the Maratha con-

<sup>1</sup> J. R. Seeley, *The Expansion of England*, London 1883. Interesting variations on Seely's theme are to be found in Maurice and Taya Zinkin, *Britain and India: Requiem for Empire*, London 1964.

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federacy to make India a place where the British concepts of the rule of law could be applied. The major stages of the British conquest of the subcontinent had no such lofty ideals behind them. Each was undertaken, on the last analysis, to protect what the British held. The history of British India, in this sense, can be summed up in the term 'The Defence of India'. Defence, of course, the British understood to mean against foes both internal and external. In the quest of security for their original coastal trading settlements, the British created a vast territorial empire in the Indian subcontinent flanked by outposts all round the littoral of the Indian Ocean from the Cape of Good Hope to the Straits of Singapore.

Up to the middle of the nineteenth century the British possessions in India were, so British strategists saw in the light of past experience, threatened in three ways. First, there could be a military threat from a Power based on India itself. Such a threat was posed in the early years of the century by the Marathas. It was met by military victory followed, ideally, by the conversion of foe into ally, in other words, by turning the Marathas into a group of Princely States recognizing British Paramountcy. Only where this particular solution could not be applied did the British resort to outright annexation. Second, there was a threat to the subcontinent across the land frontiers, a threat either from an Asian State, like Afghanistan or Burma, or a European Power, like Russia or France. The answer to this threat lay in frontier policy, the creation of suitably neutralized buffers around the British borders which would neither offer a military threat in themselves nor permit the passage of hostile European arms and influences. Third, there was seen to be a possible threat to the British sea communications with the subcontinent. The French had attempted to challenge the security of these sea lanes in the eighteenth and early nineteenth centuries; and the British never forgot the lesson.

The geographical shape of the British Indian Empire, as it emerged during the nineteenth century, was largely dictated by the British reaction to these three categories of challenge. The British, moreover, continued to make these challenges a

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basis for their policy right up to the end of British rule in India in 1947. Some students of the question of a British presence east of Suez may suspect that the British authorities are still doing this today and that they are expending a great deal of money and effort on the defence of an Empire which no longer exists. Such, if this be the case, is the power of the word 'defence'.

In their preoccupation with defence the British by the end of the nineteenth century had forgotten why it was they were in India in the first place. The British had originally established themselves along the Indian shores for purposes of trade. In order to protect that trade they had built up an Empire. Once created, however, the Empire became an objective in its own right and British policy became increasingly directed towards keeping that Empire in being. Some thinkers like Seeley might ask themselves what it was all for; but most English statesmen ceased to question the value of the brightest jewel in the British Crown. Like the other Crown Jewels, it should be guarded. It was in this frame of mind that the British faced the problem of Indian self-government.

The British, being a people given to the utterance of moral precepts, could not avoid during the course of the nineteenth century justifying their Indian presence in humanitarian terms. It was inevitable that prominent British statesmen should declare that it was their hope that Indians, profiting by the lessons they had learnt at the British feet, should one day rule themselves, or, at least, take some part in their own government. To some degree, during the second half of the nineteenth century, the Indian Government actually took steps directed towards the fostering of Indian self-government. But how much the British at this time really understood the full implications of what they were doing is very much subject to question. The ultimate stage of self-government is full independence; and full independence in the Indian situation involved, in fact, a negation of a basic concept of Indian defence, namely, that the British should retain the initiative. A fully free India would have a fully independent foreign policy. It might come to terms with those

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very Powers whose influence the British had striven so hard to exclude from the subcontinent. This was unthinkable.

It may be argued, therefore, that the British preoccupation with Indian defence made it impossible for them to come to grips, in their own minds, with the implications of Indian independence. They did not really trust the Indian people. Indians had broken their oaths of allegiance to the British during the Mutiny of 1857, and they might well do so again. The sort of trust, based on common race and culture, which might perhaps be extended to Canada or Australia, they felt could not be given to the Indians. Thus the British response to Indian demands for self-government, whatever British idealists might have declared to the contrary, appeared grudging and slow. The British, it seemed, gave in only when by so doing they gave themselves more security than they would have obtained had they continued to resist. They gave in to placate aroused public opinion and to avoid civil disturbance. They did not give in as part of a carefully planned progress towards Indian self-government in which the British side provided the original inspiration.

With the growth of the Indian national movement in the last years of the nineteenth century a new threat, that of internal political challenge to British supremacy, began to take its place alongside the three traditional threats which have been indicated above. This fourth threat had already been glimpsed in 1857, and it had alarmed British strategists greatly. Their reaction, however, had not been to promote an Indian body politic sympathetic to British aims and intentions. Rather, they had sought walls which they could erect or reinforce in the face of Indian public onslaught. They had resolved on the continuance of the Princely States. They had, moreover, turned to the Indian Army. The Indian Army, which had nearly brought down the British Raj in 1857, now became one of its main supports. This was done partly by a careful selection of the Indian groups who were to be permitted to join it; partly by the recruitment of mercenaries like the Gurkhas, who were thought to be immune from the disturbing influence of Indian

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politics; and partly by the creation of a tradition which kept the Indian Army isolated from the normal course of Indian political life.

The Indian Army, of course, was also a key factor in the other aspects of Indian defence. It guarded the Indian borders. It provided garrisons for bases along the sea routes to India. Its very existence guaranteed that the Indian Princes would not step outside the limits of Paramountcy. Hence, when at the very end of the British Raj doubts began to arise in British minds as to the continued loyalty of the Indian Army, the prospects of Indian defence were seriously affected. The collaboration with the Japanese by Indian troops in the Second World War and the agitation against their trial when the war was over, together with the 1946 mutiny in the Indian Navy, seemed to suggest that the British could not rely much longer on Indian forces to keep India under British rule. This realization, more than anything else, probably enabled British minds to accept the inevitability of Indian independence; and it gave to the transfer of power in India many of the characteristics of a military withdrawal of the kind, like Corunna and Dunkirk, in which the British take such pride. If there be any merit in this argument, then considerations of defence not only brought the British into India but took them out of it as well.

A great deal of stress has been placed upon this element of defence in the British Raj because it goes so far towards explaining why the British made such few preparations in sufficient time to enable them to eliminate the causes of some of the major problems which their successors in the subcontinent had to face.

British power in India was transferred to a divided régime. Instead of a single successor State to the British Raj, there were two. The possibility of such an outcome had been apparent for several decades before 1947, and it had not escaped official British notice. Until the eleventh hour, however, the British had tended to see in the division between Muslim and Hindu, between the Muslim League and Congress, an argument in favour of the delay of independence rather than a reason to

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prepare for independence in a special way. Indian nationalist writers have often blamed British Imperialism for the political secession from Congress of the Muslims. They have seen in this an application of the old game of divide and rule. The facts certainly do not warrant this charge; but there is no denying that the British were not above exploiting communal divisions as an argument for slowing down the moves towards self-government. There can be no question, however, that British strategists anticipated that independent India would be a divided India. This was the very negation of sound defence, and a contradiction of those principles which had united India in the first place.

The partition of British India into independent India and Pakistan was an extremely complicated process for which the British had made absolutely no preparation. The division of Indian financial assets, of the Indian Army, of Indian diplomatic missions abroad, of Indian communications, of the water supply to Indian irrigation projects; no real thought before the summer of 1947 had been given to these and a thousand and one other problems: and among the problems of partition for which no preparation had been made, none was to present quite such lasting difficulties as the partition of Paramountcy. To whom would the Indian States go? What freedom of choice should their rulers be allowed? Should, indeed, with the passing of Paramountcy, the Indian States revert to their former, pre-British, status if that status was capable of determination? These questions were not answered until the very last moments of the British Raj; and the hurried solutions then found were certainly not above criticism. Out of them emerged the Kashmir problem which, more than any other single factor, has gone to undermine many of those things which the British pride themselves on having achieved in India.

Could the story have been different? Had the British appreciated earlier the inevitability of partition, which would have meant, of course, a far more rapid programme for self-government than any British Government could have contemplated, then it might have been possible to organize the Indian Empire

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so as to make it easily divisible. Burma was, in fact, so organized; and its separation in 1936 from the rest of British India was relatively painless. It would not have been impossible, had the British so wished, to organize the Indian provincial structure on communal grounds. A step in this direction, which was subsequently reversed, might perhaps be seen in Lord Curzon's partition of Bengal in 1905 – though one could hardly accuse Lord Curzon of being a deliberate pathmaker for Indian independence. Above all, the British had it in their power to do something about the Indian States. They could have at least ensured that the major Princely States acquired workable representative governments. This, alone, might well have avoided the Kashmir problem. A popular Kashmir Government could have made decisions about its future which both India and Pakistan would have respected. An autocratic and unpopular Maharaja, as we shall see later on in this book, was in no position to make such decisions.

But all this, really, is mere idle speculation. The British, obsessed with their concepts of defence, concepts which first induced them to conquer India and then made them try to keep what they had taken, could hardly have been expected to act other than they did. These concepts, in so far as they related to the British Indian Empire, were in general sound. The British were able with success to meet most of the threats which faced them, at least until the internal political threat became too great. The tragedy is that these concepts did not provide a rational basis either for the partition of the British Indian Empire or for the foreign policy of the successor States to the British after partition had been executed.

On this analysis the Kashmir dispute was a direct consequence of the inefficiency with which the process of partition in the Indian subcontinent was prepared and executed. It was a bit of unfinished business arising from partition. Until it was settled, partition could not be said to be complete.

Partition, in the form that it finally took in the subcontinent, was an idea which the British brought themselves to accept with some reluctance. Many servants of the British Raj, now in

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retirement, will still bemoan the tragedy which brought about the destruction of the united subcontinent, that masterwork of the British imperial genius. The idea of partition was also greeted with distaste by the Hindu majority in the Indian national movement. It refused to acknowledge the validity of the 'two-nation' theory of Mohammed Ali Jinnah and the Muslim League, the concept that the subcontinent contained two separate and incompatible elements, the Hindus and the Muslims. To men of the outlook of Pandit Jawaharlal Nehru, as to many of the British establishment, partition was a catastrophe which was too terrible to bear thinking about. There can be no doubt that in 1947 there were men in authority who felt, in their heart of hearts, that partition was but a temporary expedient and that, sooner or later the idea of Pakistan would pass away in the face of a reunited Indian State. In this psychological atmosphere the unfinished business arising from partition might well not seem to be business of great urgency. If partition would one day be reversed, and perhaps sooner rather than later, then the problems arising from it would disappear spontaneously.

The Kashmir conflict between India and Pakistan has often been expressed in terms of the conflict between the 'one-nation' and 'two-nation' theories of the Indian subcontinent. Here, so Joseph Korbelt observed in his *Danger in Kashmir* (1954), lay the 'real issue'. Indian apologists have echoed this theme. Kashmir, they say, involves the struggle between the 'Medieval' Islamic theocracy of Pakistan and the modern secular State of India. It is a war between the forces of light and the forces of darkness. If India gives way, then the result can only be a signal victory for reaction and obscurantism. This is an approach which has a very wide appeal. There has been much in Pakistani political thought which distresses those Western liberals who have delighted in the idealism of Nehru's pronouncements. The image of a secular Indian democracy is inspiring, little though it may be reflected in the realities of modern Indian life. There can be no doubt, however, that the stress placed on the ideological aspects of Kashmir has little served to clarify or

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simplify the problem; and, to a great extent it has managed to obscure the issue which lies behind all other issues.

The argument between the 'one-nation' and 'two-nation' theories is really concerned with the problem whether Pakistan has a right to exist at all. To the 'one-nation' school Pakistan is an affront and an absurdity. It should never have been allowed to be born alive, and it would be best if it was brought to an end as rapidly as possible. Most 'one-nation' men have, in fact, refrained from advocating the destruction of Pakistan; but their philosophy contains a firm challenge to the basis of its very being. In the Kashmir issue the 'one-nation' school has seen the test case which, if it will not affect the future continuance of Pakistan as a State, will at least guarantee that the communal basis of Pakistan does not contribute to that State's further territorial expansion at India's expense.

The Kashmir problem, it may fairly be argued, arose from the incompleteness of partition in 1947, from the failure of the devisers of partition to make adequate provision for the division of Paramountcy between India and Pakistan. Once partition had been decided upon, there would have been good grounds for the statesmen of both India and Pakistan to make sure that the actual process of splitting the subcontinent in two, painful though it might be, would at least produce wounds that would heal cleanly in time and would not turn into festering sores. While the fact of partition may fairly be blamed on the 'two-nation' theory, yet many of the unhappy consequences of partition are the product of the persistence of the advocates of the 'one-nation' theory in their refusal to recognize the full implications of Pakistan. The 'one-nation' theory did not prevent Pakistan from coming into being: it did, however, guarantee that the relations between Pakistan and India would be subject to constant stress and strain.

Kashmir, of course, was not the only problem which the existence of the Indian States created in 1947. Through the skill and guile of Sardar Patel and his assistant V. P. Menon the vast majority of the States had come to terms with the new powers of the subcontinent. A number of Hindu rulers had been

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dissuaded either from declaring their independence or from an essentially frivolous union with Pakistan. However, when the moment of the transfer of power arrived, in three regions a settlement had not yet been reached. Kashmir, where a Hindu dynasty ruled an overwhelmingly Muslim population, the Maharaja still found himself unable to come to a decision as to his future. In Junagadh in Kathiawar, where there was a Muslim dynasty with a Hindu population, the ruler clearly intended, in the face of what seemed to be insuperable geographical and economic difficulties, to throw in his lot with Pakistan.<sup>1</sup> In Hyderabad, where again the Muslim Nizam had among his subjects a significant Hindu majority, the ruler showed every inclination to declare his independence of both India and Pakistan.<sup>2</sup>

In all three regions, Kashmir, Junagadh and Hyderabad, the Government of India during the course of 1947–8 applied policies derived from the ‘one-nation’ theory. In Kashmir, as we shall see, India accepted the Hindu Maharaja’s accession without prior reference to his Muslim subjects. In Junagadh the Muslim ruler’s decision to join Pakistan was rejected, and Indian possession of the State was ratified in February 1948 by a plebiscite where, not surprisingly, the Hindu majority voted against Pakistan. In Hyderabad the Nizam’s quest for independence was challenged by an Indian economic blockade followed, in September 1948, by Indian military occupation. The story of Indian policy towards Junagadh and Hyderabad does not concern us here; and we will not dwell on it. However, it should be noted that when the actions of India towards Kashmir, Junagadh and Hyderabad are compared, the only guiding principle of policy which can be detected is that derived from the ‘one-nation’ outlook. It is clear beyond doubt

<sup>1</sup> I have used the term Junagadh to include, also, the petty States of Mangrol and Manavadar. The union of Junagadh, Mangrol and Manavadar with Pakistan would have posed, apart from communal issues, a number of practical problems. The Kathiawar region of Western India was a complex mosaic of small states. There were, for example, pockets of Junagadh territory completely surrounded by the territories of Baroda, Bhavnagar, Palitana, Gondal, Vadia and Nawanagar.

<sup>2</sup> For a detailed account of the problem of Hyderabad, as well as that of Junagadh, see V. P. Menon, *The Story of the Integration of the Indian States*, Calcutta 1956.

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that New Dehli considered that all three regions should go to India because they were situated within the limits of the former British Raj. The religion of their rulers and their subjects was of but incidental importance. In Junagadh, where a plebiscite has suited the Indian policy, a plebiscite has been held: in Kashmir, where a plebiscite has not suited Indian policy, a plebiscite has not been held. In Hyderabad, where the use of military force by India has been expedient, so that force has been declared to be morally justified. By the same token, in Kashmir where the use of Pakistani military force has not suited Indian policy, so also has it been condemned on moral grounds.

The great difference between Kashmir and the other two regions, Junagadh and Hyderabad, lies in the fact that Kashmir alone is in direct territorial contact with both India and Pakistan. Only here has Pakistan been in a position to offer any effective opposition to the Indian 'one-nation' outlook. Hence Kashmir has become a battlefield where Junagadh and Hyderabad have not.

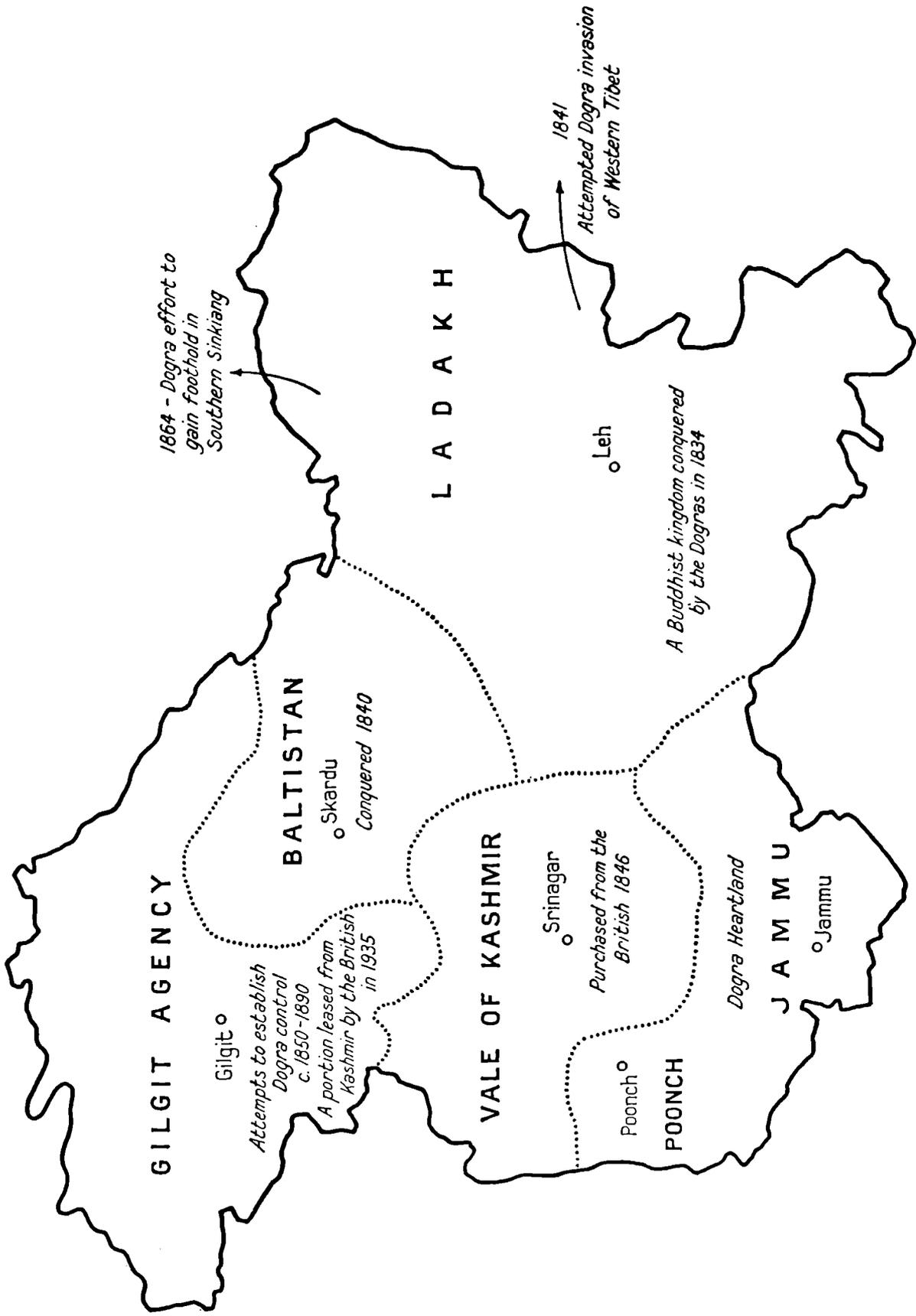
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### *Kashmir State and the Establishment of Dogra Rule*

An official Pakistani source gives the area of the State of Jammu and Kashmir as 84,471 square miles.<sup>1</sup> The State occupies a strategic position in the extreme north-western corner of the Indian subcontinent. Not only does it have common borders with India and Pakistan, but also with the Chinese-controlled regions of Tibet and Sinkiang, and, for a short stretch, with Afghanistan as well. Less than fifty miles of unpopulated mountains separates the extreme north-western tip of the State from the territory of the Soviet Union.

In the language of the Indo-Pakistani dispute over Kashmir there has been a tendency to treat the whole State as if it were a homogeneous unit. In fact, the State contains at least five distinct regions. First, there is Kashmir proper, the so-called Vale along the upper reaches of the Jhelum River with its capital at Srinagar. Second, there is the State of Jammu, with its centre at Jammu city. Third, there is the district of Poonch; and fourth, the very extensive tract of Ladakh and Baltistan. Finally, in the north-west is the Gilgit region, comprising

<sup>1</sup> There appears to be some disagreement as to the precise extent of the State of Jammu and Kashmir. The Kashmir State Government has adhered to the figure 84,471 square miles; and this has been used in many official Pakistani publications. The 1891 Census put the area as 80,900 square miles, and this figure was repeated in 1901. In the 1911 Census the area was increased to 84,432 square miles, which shrunk in the 1921 Census to 84,258 square miles, and a further reduction was urged by the 1941 Census Commissioner who thought 82,258 square miles to be the correct figure. The 1961 Indian Census Report declares that earlier estimates as to the whereabouts of the northern frontier of Kashmir were incorrect, and that, on the basis of what India claimed to be the traditional border, the area of Kashmir should be increased to 86,023 square miles.



Stages in the Creation of Jammu and Kashmir State

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Gilgit, Gilgit Wazarat, Gilgit Agency, Chilas, Yasin, Ishkuman, Hunza and Nagar. The combination of these various tracts under a single administration took place during the course of the nineteenth century. There is no long historical tradition for the existence of Kashmir as that term is now understood.

Jammu Province, the home of the Dogra dynasty which brought about the creation of the Jammu and Kashmir State in 1846, is at the present time unique within the context of the Kashmir dispute in that it has a Hindu majority. Out of a total population of 1,572,887, 598,492 (38 per cent) are Moslem and 923,516 (59 per cent) are Hindus.<sup>1</sup> In addition there are some 46,000 Sikhs. There has been a marked decline in the Muslim population of Jammu since the Kashmir dispute began: the 1941 census, for example, gave Jammu Province a 61 per cent Muslim majority. The decline in the Muslim population here is to a great extent to be attributed to emigration during the turmoil of 1947 and the years of Indian control which have followed.

Kashmir Province, the Vale with its centre at Srinagar, had an overwhelming Muslim majority in the 1941 census of better than 93 per cent and this continued to be the case in 1961. An even higher Muslim percentage existed in 1941, and still exists, among the populations of the mountain States of the Gilgit region. Out of a total population of more than 100,000 there appear to have been, before 1947, but some 300 non-Muslims of all kinds. Poonch, too, is a region with a very large Muslim majority which embraces more than 90 per cent of the population of the district.

The region of Ladakh and Baltistan is often treated as if it were a single district. In fact, it represents a fusion of two quite separate tracts which the Dogra rulers of Jammu acquired in the first part of the nineteenth century. Baltistan, with its administrative centre at Skardu, is overwhelmingly Muslim. Ladakh proper, with its capital at Leh, was once a Buddhist kingdom with the closest ethnic, cultural and political ties with Tibet. Its sparse population of some 40,000 is overwhelmingly Buddhist.

<sup>1</sup> Indian figures published in 1961.

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Before 1947 Kashmir and Jammu State, taken as a whole, possessed a Muslim majority of just under 80 per cent.

As one might expect from a contemplation of the statistics and facts outlined above, Jammu and Kashmir State is not a cultural or linguistic unity. In the Gilgit region the inhabitants of the various mountain States speak languages belonging to the Dardic group, which, while being Aryan is yet neither Iranian nor Indo-Aryan (Sanskritic). In Ladakh the major language is Tibetan, and the Muslims of Baltistan – which region is often included in Ladakh – are mainly Ladakhis of basically Tibetan ethnic stock who have been converted to Islam. The people of the Vale of Kashmir use the Kashmiri language, which some authorities consider to be a heavily Sanskrit-influenced member of the Dardic family. In Jammu Dogri predominates: and this is a language very close to Panjabi.

Over half the population of Kashmir and Jammu State are to be found in Kashmir Province, the Vale; and it is from here that the main wealth of the State is derived. The Vale is an important centre of the tourist industry. Until the latter part of the nineteenth century it was the home of the Kashmir shawl industry, the weaving of fine fabrics based on wool grown on the highlands of the State and of neighbouring Tibet. In the 1870s the shawl industry was severely affected by famine which caused the weavers to disperse; and in more recent times its place has been taken by carpet manufacture and silk weaving. The Vale now produces a wide range of handicrafts which are still widely exported. It is also the most important centre of agriculture in the State, with rice and fruit cultivation. Finally, the Vale plays a vital role in another of the State's major industries, timber. Before 1947 the bulk of the State's exports passed down the Jhelum Valley into that part of the Panjab which became part of Pakistan.

The State of Jammu and Kashmir is extremely mountainous. With the exception of parts of Kashmir Province (the Vale) and of Jammu, there is not very much flat ground to be found anywhere in the State. The northern regions of the State are

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traversed by great mountain ranges which provide a link between the Pamirs and the Hindu Kush ranges on the west and the main Himalayan range on the east. In the Karakoram range in Baltistan is to be found K2 (Mt. Goodwin Austin), 28,250 feet high, the second most lofty peak in the world. There are numerous peaks within the State of more than 25,000-foot altitude. Part of Ladakh forms part of the great Tibetan plateau which extends eastwards for thousands of miles into Chinese-controlled territory. The south-western corner of the State, in which lies the Vale, Jammu and Poonch, is really part of the system of foothill ranges to the great mountains of the north; and here too are to be found some of the most rugged landscapes in the world.

Cutting right across the State in a great arc from east to west runs the Indus River on its way from its sources in Western Tibet to its mouth in Sind in West Pakistan. One of the major tributaries of the Indus, the Jhelum, has its source in Kashmir State and for some of its length provides the basis for life in the Vale. Another Indus tributary, the Chenab, flows through the extreme southern corner of the State on its way from its Indian source in Lahul to the plains of the Pakistani Panjab. Thus three out of the five rivers of the Panjab (a word which simply means 'five rivers') either rise in or flow through Kashmir and Jammu State; and the agriculture of the Indus Valley to a great extent depends upon the melting snows in the mountains of Kashmir.

The major Kashmir rivers, now so important for the economy of West Pakistan, also provided until very recently the main lines of communication between the State and the outside world. The road to Srinagar started at Rawalpindi and followed the course of the Jhelum into the Vale. The Indus gave access to the hill States of the Gilgit region. The line of flow of the rivers which created links between the western part of the Panjab and Kashmir made communications between the eastern part of the Panjab and Kashmir extremely difficult. The only road within Kashmir, for example, which linked Jammu (the winter capital of the State) with Srinagar (the summer

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capital) involved the crossing of the Pir Panjal range by means of the Banihal Pass, over 9,000 feet high and snowbound in winter. The easiest route between Jammu and Srinagar lay through the west Panjab by way of Sialkot and Rawalpindi. At the moment of partition in 1947 there existed but one route from India to Jammu, by way of Pathankot; and this was then more of theoretical than practical utility.

This brief survey of the population, economy and geography of Kashmir contains within it the main grounds for the Pakistani claim to Kashmir: and these merit summary.

First: the State of Jammu and Kashmir was a region with an overwhelming Muslim majority contiguous to the Muslim majority region of the Panjab which became part of Pakistan.

Second: the economy of Jammu and Kashmir State was bound up with Pakistan. Its best communication with the outside world lay through Pakistan, and this was the route taken by the bulk of its exports.

Third: the waters of the Indus, Jhelum and Chenab, all of which flowed through Kashmir territory, were vital to the agricultural life of Pakistan.

From a strictly rational point of view, based on a study of the culture and the economy of the region, there can be little doubt that a scheme for the partition of the Indian subcontinent such as was devised in 1947 should have awarded the greater part of Kashmir and Jammu State to Pakistan. That such an award was not made was essentially the product of a series of historical accidents. As Sir Owen Dixon indicated in his remarkable report to the Security Council of the United Nations in September 1950, the basic cause of the Kashmir problem 'presumably formed part of the history of the sub-continent'. It was this process of history which resulted, so Lord Birdwood once remarked, in

the delimitation of a line on the map of Central Asia which on political considerations enclosed a completely artificial area, a geographical monstrosity which then assumed the name of the land of the Jhelum Valley, Kashmir.<sup>1</sup>

<sup>1</sup> Lord Birdwood, *Two Nations and Kashmir*, London 1956, p. 25.

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This process converted a group of otherwise unrelated tracts in the extreme north-west of the subcontinent into a Princely State; and the outcome was to combine the problems of partition of British India and partition of Paramountcy in a way which was not only beyond the British powers of solution but also beyond those of the two successor states to the British.

People who write about the history of Kashmir generally have in mind the Vale only and forget the other regions which today go to make up the bulk of the Kashmir and Jammu State. This emphasis on the Vale is natural enough, for here is by far the most populous, the most attractive and the most valuable portion of the State. It is also that part of the State of which the early history is best documented and understood. It should not be forgotten, however, that the Vale, Kashmir Province, makes up little more than 10 per cent of the total area generally understood by the term the State of Jammu and Kashmir.

Most of the phases of early Buddhist and Hindu civilization in northern India appear to have had their impact upon the Vale. In the ninth century A.D. the region seems to have been a major centre in the world of Hindu culture. In the twelfth century Kashmir produced the chronicles of the historian Kalhana, a work entitled the *Rajatarangini* which is one of the very small number of writings of a true historical nature which have survived from pre-Islamic India. In the fourteenth century the Vale was brought under Muslim rule. In 1587 the Moghul Emperor Akbar added Kashmir to his dominions and it thereupon became a favourite summer resort for successive Moghul rulers. In 1752, with the collapse of Moghul power, Kashmir came under the control of the Afghans, from whose grasp it was removed by the Sikhs under Ranjit Singh in 1819. In 1846, following the defeat of the Sikh Kingdom of Lahore by the British, the Vale passed into the hands of the East India Company, which then sold it to Gulab Singh, Raja of Jammu, for 7,500,000 rupees. Only at this point, just one hundred years before partition, did the Vale of Kashmir come again under Hindu rule after some five centuries of Islamic government.

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Gulab Singh was the creator of the modern State of Jammu and Kashmir. He was a member of a Dogra family, claiming Rajput ancestry, which had for centuries been established in the Jammu neighbourhood. Born in 1792, by 1812 Gulab Singh had attracted the favourable notice of the Sikh ruler Ranjit Singh; and under Sikh protection he consolidated and expanded his control over Jammu where he was acknowledged as Raja by Ranjit Singh in 1818. By this date his brother, Dhyan Singh, was established in the neighbouring district of Poonch which was, in effect, a dependency of Jammu.

In 1834 Gulab Singh undertook the conquest of Ladakh. The kingdom of Ladakh had at one time been a part of Tibet, but by the seventeenth century it had become, to all intents and purposes, an independent State under the rule of the Gyalpo, or King, with his capital at Leh. In the latter part of that century the Ladakhis endeavoured to expand their influence into Tibetan territory and, thereby, brought upon themselves the vengeance of the group of Mongol tribes who were then acting as the protecting power over the Dalai Lama at Lhasa. Only the opportune intervention of the Muslim Governor of Kashmir, an official of the Moghul Empire, saved Ladakh from conquest; and as a result Ladakh then became in some degree a Moghul tributary. Gulab Singh's main interest in Ladakh appears to have been its importance as a route for the traffic in shawl wool from Western Tibet to the Vale of Kashmir. In 1841 Gulab Singh went one stage further and endeavoured to take over the wool-producing districts of Western Tibet, an enterprise which ended in disaster. Dogra operations in Ladakh left the status of that region in some uncertainty. Though Ladakh was incorporated in Gulab Singh's dominions, yet it continued to have diplomatic relations with the Tibetan authorities in Lhasa such that it was possible for the Tibetans, and their Chinese protectors, to look on Ladakh as one of their dependencies.

In 1840, after his conquest of Ladakh, Gulab Singh turned his attention to Baltistan, which lay downstream from Ladakh on the Indus and which was largely populated by Ladakhis who

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had been converted to Islam. The chief authority in Baltistan was the Sultan of Skardu, whom Gulab Singh's general, Zorawar Singh, had little difficulty in bringing under the suzerainty of the Jammu State. The conquest of Baltistan marked the effective end of Gulab Singh's expansion to the north. In 1846, with the defeat of the Sikh Kingdom of Lahore by the British, he obtained the opportunity to expand towards the west and north-west.

Following the death of Ranjit Singh in 1839 the Sikh State fell into anarchy, and, inevitably, this created a situation in which it came into conflict with British interests. In late 1845 war broke out between the British and the Sikhs and by the following spring the latter had been defeated. During the campaign Gulab Singh, though a feudatory of the Sikhs, carefully refrained from committing himself. For this prudence the British rewarded him. By the Treaty of Lahore of 9 March 1846 the British Indian Government recognized Gulab Singh as the independent ruler of Jammu, Poonch, Ladakh and Baltistan. By the Treaty of Amritsar, which Gulab Singh and the British signed a week later on 16 March, the ruler of Jammu accepted British Paramountcy, which meant the British right to control his foreign relations and his acknowledgement of British supremacy. In return, Gulab Singh was permitted to purchase from the British the former Sikh province of Kashmir which the Indian Government had just annexed. Gulab Singh thereupon experienced some difficulty in obtaining possession of the Vale, which the Sikh Governor, Sheikh Imam Uddin, refused to surrender. In the end British troops, including John Nicholson (who was to win fame during the siege of Delhi in 1857), had to be sent to help Gulab Singh establish himself in the land which he had bought.

Gulab Singh's acquisition of the Vale of Kashmir marks the foundation of the State of Jammu and Kashmir which was to cause such trouble in the subcontinent in 1947. It did not mark, however, a final stage in its expansion, for Gulab Singh now began to show an active interest in the hill States in the Gilgit region. The early history of these States, like Gilgit, Yasin,

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Chilas, Hunza and Nagar, is confused and little known. Along the Indus between Baltistan and the plains and to the north of that river in the mountains which extended to the borders of Chinese Turkestan, the Central Asian Khanates (now under Soviet Russian rule) and Afghanistan, a number of petty kingdoms had emerged, each usually confined to a single valley or portion of a valley and each with a Muslim population under the rule of an Islamic dynasty. These States had entered relationships with most of their more powerful neighbours. The rulers of Hunza, for example, since the middle of the eighteenth century had been in the habit of paying tribute of some kind to the authorities at Kashgar in Chinese Turkestan. Most of these States had come in some degree into the orbit of the Sikh kingdom during the reign of Ranjit Singh. Gulab Singh clearly regarded himself as the inheritor of Sikh rights and interests in this quarter.

While, right up to the end of the century, Gulab Singh and his successors persisted in their efforts to bring the hill States under Dogra rule, they can only be described as being partially successful. By the 1890s it was the British Agent at Gilgit who wielded the real authority here; and the Dogras were never able to establish the kind of power they enjoyed in the Vale of Kashmir or, even, in Ladakh. The British, who were vitally interested in the Gilgit region as a buffer against Russian expansion from the north, found, however, the concept of Kashmir sovereignty a useful cover for their own plans. In 1935 the British leased Gilgit and its neighbourhood from Kashmir for a sixty-year period; and from that moment the region passed right out of the orbit of the Kashmir and Jammu State Government.<sup>1</sup> On the eve of partition in 1947, however, the British surrendered their lease with the result that, in theory, sovereignty

<sup>1</sup> Some confusion appears to exist as to the precise limits of Jammu and Kashmir State in the Gilgit region. Many British maps up to 1947 show the entire Gilgit Agency outside Kashmir with the exception of Gilgit town and its immediate surroundings. India, however, has always regarded the entire Gilgit Agency as being part of Kashmir. The area which the British leased in 1935 was only 1,480 square miles, while the area of the whole Gilgit Agency is over 14,500 square miles. Yet, by the 1935 lease the British certainly considered that they had acquired rights over the whole Gilgit region and not merely the leased area.

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reverted to Kashmir; but Kashmir was never given the opportunity to make this sovereignty effective in any way.

In the 1860s and 1870s Maharaja Ranbir Singh, who succeeded his father Gulab Singh in 1857, developed ambitions for territorial expansion north of Ladakh across the Karakoram Pass into Chinese Turkestan where Chinese rule had been temporarily overthrown by the adventurer Yakub Beg. In 1864 the Kashmir Government established a small military post at Shahidulla on the lower reaches of the Karakash River, and it persisted in maintaining claims to territory north of the main watershed between Kashmir and Chinese Turkestan, claims which still find expression on some modern maps. With the return of the Chinese in the late 1870s, however, these claims lost all practical value.<sup>1</sup> The British, moreover, tended to be opposed to a Kashmiri advance in this direction, though they felt that, as a bargaining card in negotiations with the Chinese and the Russians, claims of this kind had some value. Thus, while Kashmir was in no way encouraged to advance across the watershed, yet Kashmiri claims were not expressly denied. Their presence has certainly served to complicate the modern history of the Chinese border with India and Pakistan.

From the outset the rule of the Dogras over Jammu and Kashmir State was harsh and oppressive. Gulab Singh, so some contemporary observers like John Nicholson remarked, was given to flaying alive his political opponents. The British administrators in the Panjab, which region they were striving to turn into a model province following its annexation from the Sikhs, looked with some distaste on the treatment which the Dogra régime meted out to the Kashmiri peasants. British advocates of an increased trade between India and Central Asia, who became extremely vocal in the 1860s and 1870s, resented the transit dues which the Kashmir Government imposed on all goods passing through their territory along the most practicable route from the Indian plains to the markets of

<sup>1</sup> On the history of the northern frontier of Kashmir, see A. Lamb, *The China-India Border: the origin of the disputed boundaries*, Chatham House Essay No. 2, London 1964.

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Chinese Turkestan. The majority of nineteenth-century European travellers in Kashmir had few good words to say for Dogra rule, which discriminated against Muslims in favour of Hindus and Sikhs, which was corrupt and which seemed so oppressive as to carry within it the constant threat of popular revolt. That the Kashmiri Muslims had not in fact already thrown off the Dogra yoke was usually ascribed to the exceptionally docile nature of the peasantry in the Vale.

It is likely that this impression of Dogra government was a trifle unfair. The Dogras certainly did not share the principles of good government advocated by the more idealistic of the British establishment in India; but it is unlikely that their rule was worse than that in any other independent Asian State of the time. Afghan and Nepalese peasants were no better off than those in the Vale. In some ways the Dogras were surprisingly enlightened. They devoted much energy to a wide range of public works. They tried, though with scant success, to reform the system of land tenure and tax assessment. They maintained a real measure of law and order in their State. Maharaja Ranbir Singh, who reigned from 1857 to 1885, was a patron of the arts who contributed generously towards the establishment of the University of the Panjab at Lahore. Much of Kashmir misrule was the product of the inability of the Maharaja to control his subordinate officials rather than the outcome of any malevolence on his part. Moreover, genuine efforts by the State Government to improve the economy received a crippling blow during the Kashmir famine of 1878-9 which is said to have resulted in the death of three-fifths of the population of the Vale, and which undoubtedly was the final blow to the Kashmir shawl industry already suffering from the effects of a declining demand in Europe.

To the British the State of Jammu and Kashmir acquired an importance which was not shared by the great majority of the Indian Princely States. Kashmir was situated in that extreme north-west corner of the subcontinent which seemed to be the target of Russian expansion in Central Asia. The Kashmir State was the buffer protecting the mountain ranges of the

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Karakoram. In one respect this fact was an argument for an increase of British control over the State. In another respect, however, it was a consideration which limited the extent of such control: it was appreciated that Kashmiri resistance to British influence might have very serious consequences.

The nature of Kashmiri government was a continual temptation for British intervention. As Lord Kimberley, Secretary of State for India, put it in 1884:

As to the urgent need for reforms in the administration of the State of Jammu and Kashmir, there is, unfortunately, no room for doubt. It may, indeed, be a question whether, having regard to the circumstances under which the sovereignty of the country was entrusted to the present Hindoo ruling family, the intervention of the British Government on behalf of the Mahomedan population has not already been too long delayed.<sup>1</sup>

Strategic considerations, however, prevailed. In 1885, following the death of Maharaja Ranbir Singh, the British decided not to annex the State, contenting themselves with the establishment of a British Residency at Srinagar. During the next few years, with the increasing Russian pressure towards northern Afghanistan and the Pamirs, the Indian Government felt itself called upon to take further steps in Kashmir. It established effective control over the Gilgit area; and the Gilgit Agency was to be the base whence in the 1890s British arms penetrated into Hunza and Nagar right up to the edge of the Pamirs. In 1889, on the discovery of evidence – which some scholars consider to have been forged – that Maharaja Pratab Singh was plotting against the British Resident and engaged in treasonable correspondence with the Russians, the Indian Government imposed a major reform of the State's constitution, with the Maharaja's powers being handed over to a State Council. The British, however, did not, even in these circumstances, risk outright annexation; and, as the Russian threat gradually faded away, so were the Maharaja's powers restored. In 1905

<sup>1</sup> *Accounts and Papers* 1890, LIV, f. 233, Lord Kimberley to the Government of India, 23 May 1884.

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the Council was finally abolished by Lord Curzon. The Maharaja once more became the real head of the State administration, though perhaps more subject to the advice and influence of the British Resident than had been the case before 1889. Moreover, during the period of the Council's rule a considerable measure of reform had been carried out. A new land settlement had been made, and a number of features of Kashmiri government offensive to the British, such as the system of *begar* or forced labour, were abolished. This period also saw the construction of roads and schools, and the introduction of measures of public health. One result was that between 1890 and 1920 the population of the Vale nearly doubled.

In 1925 Maharaja Pratab Singh died, and his place was taken by his nephew Hari Singh, a young man of considerable charm and ability. Hari Singh, however, showed no inclination for the great task of political and social reform required to meet the challenge of the Indian national movement, the influence of which had flowed from British India across the State boundaries. There were clear signs of social unrest in the Vale during the 1920s, with Muslim demands for redress of grievances. The Maharaja's Government had nothing better to offer in reply than censorship, the banning of public meetings and other such restrictive measures. This did not suffice to deter a new generation of Kashmiri Muslims, some of them educated in Universities in British India like Aligarh, who returned to the State to introduce the political techniques which Mahatma Gandhi and his colleagues had been developing. One such man was Sheikh Mohammed Abdullah. Sheikh Abdullah, then 25 years old, came back to Srinagar in 1930 from his studies at the University of the Panjab and Aligarh Muslim University to plunge at once into the agitation against the State Government's discrimination against Muslims in the State public service. He played a prominent part in creating the climate of opinion in Srinagar which resulted in the outbreak of rioting on 13 July 1931 when a mob attempted to storm the Central Jail to secure the release of one Abdul Qadir, a cook who had been arrested for seditious speech.

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The State Government endeavoured to quell unrest by stern measures, including the arrest of Sheikh Abdullah. It failed, however, to do so; and there were disturbances in other parts of Kashmir. Under some British pressure, the Maharaja then agreed to set up a Commission to look into the whole question of constitutional reform in the State. The resultant Glancey Commission (headed by a prominent British Indian official, B. J. Glancey) recommended a wide range of political, social and economic reforms including the establishment of a State Legislative Assembly of seventy-five members, thirty-three of whom would be elected on a communal basis and an extremely limited franchise. Still, this was the beginning of democracy in Kashmir and Jammu State. When it first assembled in 1934 nineteen out of the twenty-one seats allotted to Muslims were held by the All Jammu and Kashmir Muslim Conference, a party in which Sheikh Abdullah had obtained a leading influence.

While the membership of the Muslim Conference was predominantly, as its name would suggest, Muslim, yet leaders like Sheikh Abdullah did not regard themselves as communalists and collaborated closely with non-Muslim Kashmiris like Prem Nath Bazaz. As Sheikh Abdullah stated his goal in 1938:

we must end communalism by ceasing to think in terms of Muslims and non-Muslims when discussing our political problems . . . and we must open our doors to all such Hindus and Sikhs, who like ourselves believe in the freedom of their country from the shackles of an irresponsible rule.<sup>1</sup>

Sheikh Abdullah was much influenced in his thought by Indian Congress leaders like Nehru who saw the independence movement as an essentially political struggle for the establishment of an independent and secular State. He had little sympathy for the ideas of M. A. Jinnah and the Muslim League. As a demonstration of its essentially secular nature, in 1939 the Muslim Conference changed its name to the National Conference. Its aim was the achievement of independent representative government headed by the Maharaja as a constitutional

<sup>1</sup> P. N. K. Bamzai, *A History of Kashmir*, New Delhi 1962, p. 664.

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monarch according to a basic law to be established by a Constituent Assembly. It sought to end the policy of discrimination against Muslims. It at no point appears to have given serious thought to the prospect of uniting Kashmir with an independent India.

The problem of the eventual future of Kashmir in a wider context became more acute in 1940 with the Muslim League's declaration that the end of British rule in India should result in the establishment of a separate Islamic State, Pakistan. This was soon to produce a rift in the Muslim ranks in Kashmir. The more progressive leaders, those influenced by Western liberal and Marxist thought, inclined towards the secularism of the Indian Congress to a degree which alarmed the conservatives in the Kashmiri Islamic community. Under the leadership of Ghulam Abbas the conservatives eventually revived the old Muslim Conference as a party in tune with the ideas of the Muslim League and M. A. Jinnah, a party which was prepared to admit the possibility that Kashmir's future lay with an Islamic State of Pakistan.

The growth of this split in Kashmiri politics favoured the Maharaja's Government which could now play off the two parties one against the other. The Muslim Conference began to find itself in the ironical position of supporting the Hindu dynasty; and the National Conference, which had originally been prepared to accept the continuation of the dynasty in some form, by 1946 was beginning to challenge the very basis of its existence. The Maharaja's Government, led by the Prime Minister, Pandit Kak, replied with a campaign of arrests and repression. Sheikh Abdullah and his colleagues were put in prison. Nehru, who tried to enter Kashmir at this point, though leader of the Congress Party and the undoubted Prime Minister-to-be of independent India, was turned back at the border. Sheikh Abdullah was tried and sentenced to three years rigorous imprisonment. The National Conference was forced to go underground. Having disposed of Sheikh Abdullah and his party, the Maharaja's Government then turned on Ghulam Abbas and the Muslim Conference. In October 1946 Ghulam

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Abbas and his principal collaborators were also arrested. Thus, on the eve of independence in the subcontinent the Dogra dynasty in the State of Jammu and Kashmir had suppressed the two major parties in the State and reverted to rule by its traditional methods of autocracy.

On the eve of the great crisis of partition in the Indian subcontinent we can detect three major categories of opinion relating to Kashmir and its future. The Maharaja, supported mainly by those Hindu families who had flourished during the past century of Dogra rule, wished to maintain in being his autocratic régime. He had no sympathy either for the idea of an Islamic state which M. A. Jinnah presented or for the secular socialism preached by Pandit Nehru. The National Conference, predominantly Muslim in its membership but with a significant element of Hindu and Sikh support, looked towards a liberal, secular and independent Kashmir which could be, perhaps, associated with an independent Indian régime of like mind, but which certainly would not be incorporated within the Indian Union. Leaders of the National Conference like Sheikh Abdullah were not impressed by the Muslim League's concept of Pakistan. Finally, there was the Muslim Conference led by conservative Muslims like Ghulam Abbas. The Muslim Conference in its final form was very much influenced by the Muslim League, and there can be no doubt that some of its members felt that the best hope of Kashmiri Muslims lay either in or in close association with Pakistan.

These three bodies of opinion, it should be noted, by no means encompassed the entire political spectrum of the Kashmir and Jammu State. In the Gilgit area, where British control had been confirmed by the 1935 lease, the politics of Srinagar and Jammu city must have seemed, in 1946, remote indeed; and it is doubtful if any of the chiefs of the hill States there ever gave serious thought to the prospect either of submitting to a significant degree of Dogra sovereignty or of joining hands with Sheikh Abdullah or Ghulam Abbas. Nor in Ladakh can the political movements of Jammu and the Vale have had much impact. Here the traditional Tibetan Buddhist theocracy had

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to a great extent survived more than a century of Dogra overlordship. It would seem that Ladakhi Buddhist leaders, like the Bakula Lama, visualized the future as involving a closer association with the Dalai Lama's régime in Tibet, whence originated their language and religion. Finally, there existed throughout the State outlying tracts, as in Poonch, where abounded purely local grievances which could easily lead to rural revolt. It was such a revolt, so some observers think, which provided the initial spark for the great Kashmir crisis of 1947.

### 3

## *Partition and the Accession Crisis*

1947

A single historical event has acquired, within the context of the Kashmir dispute, a quasi-religious import. On 26 October 1947 the Maharaja of Jammu and Kashmir signed an Instrument of Accession to the Indian Union; and his accession was formally accepted the following day by the Governor General, Lord Mountbatten. From that moment the Indian side has tended to base its case for possession of Kashmir on the validity of this transaction; and Pakistan has consistently denied its legality. There can be no doubt that the Indian argument has much force behind it. The Indian Independence Act of July 1947, which provided for the end of British rule in the subcontinent, upon the termination of British Paramountcy gave the rulers of the Princely States the right to opt for either India or Pakistan or, though the act is not without its ambiguities on this point, to remain independent. It can fairly be said that in deciding to accede to India the Maharaja of Kashmir was well within his rights according to the 1947 Act, which had nothing to say about communal issues in this respect.

Indian arguments relating to Kashmir's accession, however, have not always been reinforced by Indian arguments relating to the accession of other Princely States like Hyderabad and Junagadh where the Ruler's right to a free choice has been forcibly contested. Moreover, at the outset there was a clear declaration by the Indian side that the Kashmir accession contained within it a definite provisional element. Accession was brought about as an emergency measure to meet the crisis of an

invasion of Kashmir by Muslim tribesmen coming from or through Pakistan territory; and, once the crisis was met, the accession required ratification in some form by the people of the State. The implementation of this ratification, however, the Indians complicated by a consideration of an almost mystical nature. The tribal invasion, they say, was the result of what one might call a Pakistani *sin*, the aiding and abetting of the tribal invaders. Until Pakistan 'vacated her aggression', that is to say expressed public repentance of her sin, then India could not do anything else than adhere to the finality of the Kashmir accession. This attitude, couched often in terms of the highest morality, has not helped the solution of the Kashmir dispute by normal diplomatic procedures.

In fact, of course, the Kashmir crisis which developed in the latter part of 1947 was a direct consequence of the turmoil of partition in the subcontinent. Neither India nor Pakistan at that moment when two nations were being born was above taking measures of questionable ethics; and neither side was spotless in its adherence to a code of international morality. But statesmen and diplomatists are not at their most effective when obsessed with questions of guilt. In the interests of the satisfactory achievement of partition, for which the British had made shamefully inadequate provision, both India and Pakistan should have turned aside from the temptations of moral postures towards the crucial realities of political compromise. Such compromise must be based on facts, not myths. What really happened in Kashmir in the summer and autumn of 1947? This is not an easy question to answer. Information is lacking on a number of vital points. There can be no doubt, however, that the official histories presented by the two sides in the Kashmir dispute do not encompass anything like the whole truth.

On the eve of the British departure from the subcontinent the Maharaja of Kashmir and his Government reverted to their traditional autocratic methods of administration. The leaders of both the Muslim Conference and the National Conference were, during the course of 1946, put in prison. There could be

no doubt that policy was now directed towards the undoing of the constitutional reforms of the 1930s. The Muslim majority in the State, in these circumstances, viewed the future with great anxiety. The Kashmir authorities were certainly aware that the repressive measures in 1946 had by no means disposed of all opposition to the Maharaja's rule; and the Prime Minister, Pandit Kak, is said to have thought that the Maharaja's best hope for survival lay in throwing in his lot with Pakistan. This alone would bring him significant Muslim support. The Maharaja, however, had as yet not made up his mind about the future, despite some mild British pressure. According to Mehr Chand Mahajan, who became Prime Minister of the State in October 1947, the Maharaja believed that by not committing himself he might perhaps emerge from the period of the transfer of power as the ruler of an independent Kashmir State.<sup>1</sup> The Maharaja's failure to declare his position, at all events, did not help reassure the majority of his subjects. A few weeks before the transfer of power in India in August 1947, the Maharaja found himself faced with armed revolt within his State.

Indian apologists have consistently denied that the Poonch revolt was anything more than a figment of Pakistani imagination. Such evidence as is available, however, suggests that by the end of July 1947 a critical situation was developing in the Sudhnuti tract of Poonch Province. This had been an important recruiting ground for the Indian Army: some 40,000 soldiers from it had served the British during the Second World War. Ex-servicemen here provided a cadre of military experience which turned distaste for the Maharaja's rule into armed resistance; and this in turn had by late August become the nucleus of the Azad (Free) Kashmir liberation movement. The Poonch rebels appear to have soon established contact with the Pathan tribal country in Pakistan, where they sought aid in arms (produced in village workshops). The links thus established were to play an important part in the great Pathan tribal intervention in Kashmir of October. By the end of September the Poonch rising and similar movements had effectively

<sup>1</sup> M. C. Mahajan, *Looking Back*, London 1963, p. 132

destroyed the Maharaja's power in many outlying districts of the State.

At the outset the Poonch rising appears to have been less a communal movement than an attempt to throw off the oppressive rule of the Maharaja. By September, however, a very definite communal element had developed following the overflow into Kashmir of the Muslim-Sikh conflict which had been raging in the Panjab. In Jammu, Hindu and Sikh bands crossing over from the Panjab sparked off a series of massacres which reduced the Muslim population of the province by over 200,000. Tens of thousands were killed; others were forced to flee to the West Panjab. These events were soon reported to the Pathan tribesmen of the North-West Frontier region with whom Poonch rebels were already in contact; and they provided one of the main stimuli for the direct participation of the tribes in Kashmir on or about 19 October.

All this appears to have taken place without any outside interference or influence. Neither the Maharaja's policy of repression nor the Jammu massacres can be laid to the door of Indian Congress leaders. The Poonch rising was certainly not an act in which the Muslim League participated. This does not mean, however, that the leaders of the two independent States-to-be, India and Pakistan, had not before the autumn of 1947 developed attitudes towards and policies for Kashmir. The evidence, though frustratingly vague on this point as on so much else connected with the genesis of the Kashmir problem, leaves one in little doubt that both sides had already made up their minds as to the kind of Kashmir they wished to see in the post-British era. Their ideas we must now examine.

Mr. Jinnah and his colleagues in the Muslim League, the creators of Pakistan, had always considered that the Vale of Kashmir at least would form part of the new Islamic State. Sir Muhammed Iqbal, whose poetic mind first gave verbal expression in 1930 to the idea of an independent Muslim State in India, was by origin himself a Kashmiri. When in 1933 Choudhri Rahmat Ali coined the word Pakistan as a suitable name for that State, he intended the letter K in 'Pak' to stand

for Kashmir. The geographical and historical links between the Panjab and the Vale of Kashmir were so close that it was inevitable that the two regions should find themselves combined in the thoughts of the protagonists of a separate Islamic State. It did not require a profound understanding of economics to see how the Panjab depended upon the waters of rivers flowing from Kashmir, and how Kashmir, in turn, depended upon the Panjab for its access to the outside world. These considerations, combined with the fact of an overwhelming Kashmir Muslim majority under the domination of a highly unpopular Hindu dynasty, must have made it appear axiomatic that Kashmir would join Pakistan should Pakistan ever come into existence. The leaders of the Pakistan movement, perhaps because they did not see any need, took no significant part in Kashmiri politics until well on in the 1940s when M. A. Jinnah supported the revival of the Muslim Conference under the leadership of Ghulam Abbas.

Indian nationalist leaders had a less obvious interest in Kashmir, a region which was clearly not of crucial importance for the economic survival of the Indian State. Close contacts, however, had been established during the 1930s between Sheikh Abdullah's political movement and the Indian National Congress. During the National Conference's attack on the powers of the Maharaja in 1946, the so-called 'Quit Kashmir' agitation, Pandit Jawaharlal Nehru endeavoured to lend a hand, rushing from his talks with the British Cabinet Mission (then in India to discuss independence) to the Kashmir border where the Maharaja's men refused him entry. Nehru came, like Iqbal, from a Kashmiri family; and he found most humiliating his inability to enter his own homeland. Sheikh Abdullah's political ideas were similar to those of Nehru and others in what might be described as the socialist wing of Congress. Both Sheikh Abdullah and Nehru believed in the need for a secular state, a body politic based not on communal separation which had proved so weakening to India in the past but on a more or less Marxist analysis of society. Neither Sheikh Abdullah nor Nehru was impressed by the idea of Pakistan. Sheikh Abdullah

would have regarded the accession of Kashmir to Pakistan as a victory for his communalist opponents in the National Conference. Nehru saw that accession, just as he saw the very idea of Pakistan, as a challenge to his secular concepts.

Where Nehru may have seen the future of Kashmir through secularist spectacles, there were certainly other Indian leaders who took a more practical view. Some Hindu extremists – Dr. S. P. Mookerjee was later to provide a good example of this category – saw partition in terms of religious war and felt it their duty to defend the Hindu Maharaja of Kashmir against the forces of Islam. Other Congress leaders, no doubt influenced by the outlook of the Indian Civil Service, tended towards a geopolitical view of Kashmir. The Indian Foreign Department during the last years of British rule in the subcontinent continued to be concerned at the Russian threat now garbed in a communist cloak. Men like Sir Olaf Caroe feared lest unrest in the extreme north-west would provide the occasion for Russian penetration either from Tadzhikistan and the Pamirs or from Sinkiang. In Sinkiang in the 1930s Russian influence was thought to be particularly strong owing to the activities of the warlord Sheng Shih-tsai. These anxieties led in 1935 to the British lease of Gilgit. No doubt the Indian Foreign Department continued to so worry during the year of independence. Thus on 25 October 1947, more than two months after the transfer of power and one day before the Maharaja of Kashmir's accession to India, the Indian Foreign Department advised, in a telegram to the British Government, that the Maharaja be supported against the invading Pathan tribesmen on the following grounds:

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, which must depend on internal tranquillity and existence of stable government, is vital to security of India, especially since part of the southern boundary of Kashmir and India are common. Helping Kashmir, therefore, is an obligation of national interest to India.<sup>1</sup>

<sup>1</sup> Government of India, *White Paper on Jammu and Kashmir*, New Delhi 1948, p. 45.

## *Partition and the Accession Crisis, 1947*

It is interesting to see Pandit Nehru repeating this argument a few weeks later.

This strategic line of reasoning was all the more cogent when it is remembered that many observers on the eve of partition refused to believe that Pakistan was a viable concept. It seemed inevitable that the new Islamic State would collapse, and the resultant chaos, if allowed to extend to Kashmir and the strategic mountain borderlands, would provide an almost irresistible temptation for Soviet meddling. The likelihood of a Pakistani collapse was increased by the fact that a number of leading Indian politicians not only hoped for it but were prepared to take active steps to bring it about. Such, at any rate, was the opinion of Sir Claude Auchinleck who commanded the Indian Army over the crucial period of partition and the transfer of power. On 28 September 1947 Auchinleck wrote secretly to his superiors in London that:

I have no hesitation whatever in affirming that the present India Cabinet are implacably determined to do all in their power to prevent the establishment of the Dominion of Pakistan on a firm basis. In this I am supported by the unanimous opinion of my senior officers, and indeed by all responsible British officers cognizant of the situation.<sup>1</sup>

Thus there were good reasons, other than considerations arising out of the nature of the secular state, why Indian politicians and statesmen should wish for Kashmir's accession to India. Did the Indian side take any steps to bring this about? On the eve of partition Kashmir was visited by Acharya Kripalani, a leading figure in the Congress movement, by the rulers of Patiala and Kapurthala, States in the East Panjab which were shortly to be the scene of particularly ghastly massacres of Muslims, and by Mahatma Gandhi. The objects of these journeys we do not know; but it might be reasonable to suppose that they were connected with the devising of some formula whereby the Maharaja could join independent India.

<sup>1</sup> John Connell, *Auchinleck*, London 1959, p. 920.

They were followed, at all events, by the dismissal of the Prime Minister of Kashmir, Pandit Kak, who was widely suspected of favouring some kind of *rapprochement* with Pakistan. In September 1947, moreover, a few weeks after partition, the Maharaja released from prison Sheikh Abdullah, the only political leader in the State who could possibly head a popular administration inclined towards India: it did not escape notice in Pakistan at this time that Ghulam Abbas, head of the Kashmir Muslim Conference with leanings towards Pakistan, was not released from gaol. Shortly after his release Sheikh Abdullah paid a visit to New Delhi.

Many Pakistanis to this day believe that in the very act of dividing up India between the two successor States the British were guilty of collusion with the Indian side in at least keeping the door open for Kashmir's accession to India. The definition of the Indo-Pakistani border in the Panjab was the work of a commission presided over by Sir Cyril Radcliffe. His report was not, in fact, published until 18 August, three days after the transfer of power. It then transpired that he had awarded to India part of the Muslim-majority district of Gurdaspur. The area concerned was small; but it gave India land access to Kashmir which would otherwise have been denied her. Had the whole Gurdaspur district gone to Pakistan, then India would have lost Pathankot and the only practicable road from East Panjab to Jammu. It is now clear that the Radcliffe award here was in no way related to the Kashmir question; rather, it was based on considerations arising from the division of the waters from certain canals. However, it aroused much suspicion in Pakistan as to the disinterestedness of the British; and, if nothing else, it shows the scant preparation which the British made for partition and the little thought they appear to have given to its consequences.<sup>1</sup>

The comings and goings of Congress leaders between India and Kashmir were not matched by a corresponding activity on the part of the Muslim League. There can be little doubt that

<sup>1</sup> For a detailed discussion of the Gurdaspur question, see M. Brecher, *Nehru: a Political Biography*, London 1959, pp. 359-61.

Mr. Jinnah and his colleagues were at this period in some kind of contact with Srinagar and Jammu. The chaotic circumstances which attended the birth of Pakistan, however, did not lend themselves to the conduct of diplomacy. The Pakistani leaders must have hoped that the Standstill Agreement which they arranged with the Kashmir State Government on 12-15 August, by means of an exchange of telegrams, had given them a breathing space.<sup>1</sup> This was an agreement whereby, pending a final settlement of Kashmir's future, Pakistan would continue those services which had been carried out for Kashmir under the British by the Panjab Government. The Pakistani authorities may well have concluded from the events then taking place in Poonch that, if left alone, the Maharaja's administration would be overthrown and replaced by an Azad Kashmir régime willing to co-operate with Pakistan. If so, then they were certainly much disturbed by the release of Sheikh Abdullah in September, which created the spectre of a Muslim-supported popular movement in Kashmir inclined towards India. From the end of September relations between the Maharaja's Government and Pakistan began to deteriorate rapidly. There were increasingly acrimonious charges and counter-charges concerning violations of the Kashmir-West Panjab border.

It is possible that, at this juncture, spurred on by press reports of the Maharaja's intention to accede to India, that the West Panjab authorities began to impose restrictions on the flow of supplies, particularly petrol and grain, into Kashmir, perhaps as a demonstration of the economic dependence of Kashmir upon Pakistan. The Indian side has made much of these restrictions, which have been pointed to as Pakistani breaches of the Standstill Agreement of August. The Pakistanis have replied that stoppages in supplies, if any, were due to the transport crisis then prevailing in West Panjab. Considering

<sup>1</sup> Kashmir also endeavoured to make a Standstill Agreement with India. The Government of India expressed themselves as willing to start negotiations for such an Agreement if the Kashmir Government would send a representative to New Delhi for the purpose. In the event, no negotiations took place and no Standstill Agreement was made.

the chaotic conditions of this time, such an explanation is not entirely unconvincing.<sup>1</sup>

Meanwhile, the internal state of Kashmir became increasingly disturbed. The movement which had started in Poonch in late July went on gathering momentum so that large tracts of the Maharaja's dominions along the West Panjab border had passed completely from his control. At the same time, in Jammu, Hindu and Sikh attacks on Muslims continued with refugees still flowing over the border into Pakistan. Against this background of what had many of the elements of a religious war we must view the Pathan tribal intervention. On 19 October, it would seem, a party of some 900 Mahsuds set off for Kashmir in motor trucks from Waziristan on the North-West Frontier. They were soon followed by other groups. On 21 or 22 October there were some 2,000 Pathans in Kashmir territory, the spearhead of an advance up the Jhelum Valley towards Baramula and Srinagar. The leader of this operation appears to have been one Major Khurshi Anwar, a Pathan who had fought for the Japanese in the Indian National Army. On 26 October, after a rapid advance accompanied by much looting, rape and slaughter in which the invaders failed to make a great distinction between Muslim and Hindu, the tribesmen reached Baramula at the edge of the Srinagar plain. The city of Srinagar lay within their grasp. The gravity of the situation, which was emphasized by the tribesmen's attack on St. Joseph's Convent, Baramula, resulting in the death of several Europeans, contrived to bring matters to a head.

While there can be no doubt that some Indian leaders had given much thought to the future of Kashmir long before October 1947<sup>2</sup> – and may well have had contingency plans in

<sup>1</sup> It should also be remembered that India used economic sanctions against Hyderabad during 1948 in an attempt to force the Nizam to accede to India.

<sup>2</sup> M. C. Mahajan, in late September 1947 after he had been offered the Prime Ministership of Kashmir, had discussions in New Delhi with Patel, Baldev Singh and Nehru on the terms on which the Maharaja of Kashmir might accede to India. Mahajan reports that on 11 October 1947, the day after he had formally become the Prime Minister of Kashmir, V. P. Menon advised him to bring about Kashmir's accession to India if he possibly could. On the same day Lord Mountbatten, while evidently thinking it probable that Kashmir would in fact go to

mind – yet the available evidence suggests that the Governor General of the new Indian Dominion, Lord Mountbatten, who had also been the last Viceroy of British India, had not realized how critical the Kashmir problem was until the evening of 24 October when the tribal invasion had already been in progress for several days. On 25 October Mountbatten presided over a meeting of the Indian Defence Committee at which it was decided to send V. P. Menon, Sardar V. Patel's right-hand man in the States Ministry, up to Srinagar by air immediately to investigate the situation. Menon found the State on the brink of total collapse, the tribesmen apparently on the verge of a breakthrough into the Vale and the Maharaja prostrated by indecision. Menon persuaded the Maharaja and his family to remove themselves at once to Jammu, where they would be for the time being out of the reach of the tribesmen. He then returned to Delhi to report to the Defence Committee. Menon's conclusion was that without help from India Kashmir could not be saved. The Committee, considering Menon's report and agreeing with the opinion of Lord Mountbatten, decided to offer this aid for which the Maharaja had asked, but only on condition that the Maharaja first acceded to India. The argument was that without accession India would not have the right to interfere in the internal affairs of a foreign State, which seemed technically to be Kashmir's status at this juncture. V. P. Menon, accordingly, flew to Jammu the moment the Defence Committee had adjourned and returned to Delhi later in the day with the Maharaja's accession in his pocket. On 27 October a Sikh battalion was flown into Srinagar in some hundred or so civilian and Indian Air Force planes. The Srinagar airport was at this point about to fall into the hands of the tribesmen; but the arrival of the Sikhs sufficed to turn the tide. The presence in Delhi at this moment of such a formidable air fleet has subsequently led to charges of considerable advance planning; but the evidence does seem to indicate that we can

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Pakistan, yet 'said that as Governor General of India he would be very happy if I [Mahajan] advised the Maharaja to accede to India'. M. C. Mahajan's account makes it clear that, before the tribal invasion, negotiations at a high level were in progress over Kashmir's accession to India. See Mahajan, *op. cit.*, pp. 126-8.

detect here no more than the good fortune which so often in Lord Mountbatten's career operated to the benefit of his enterprises.

The Indian acceptance of the Maharaja's accession, which was signed on 27 October, took the shape of two documents. One was a formal statement by Mountbatten, the Governor General, that 'I hereby accept this Instrument of Accession' which the Maharaja had sent by way of V. P. Menon. The second was a personal letter from Mountbatten in reply to a letter from the Maharaja (also delivered by Menon) in which the Maharaja's reasons for seeking to accede, the tribal invasion and so on, were outlined. Mountbatten's letter, which was to exercise such a profound effect on the subsequent shape of the Kashmir dispute, deserves quotation in full:

My dear Maharaja Sahib,

Your Highness' letter dated 26 October has been delivered to me by Mr. V. P. Menon. In the special circumstances mentioned by your Highness my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their 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 is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the State's accession should be settled by a reference to the people.

Meanwhile in response to your Highness' appeal for military aid action has been taken today to send troops of the Indian Army to Kashmir to help your own forces defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister.

With kind regards,

I remain,

New Delhi,

October 27, 1947.

Yours sincerely,

Mountbatten of Burma.<sup>1</sup>

<sup>1</sup> P. L. Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, New Delhi 1965, p. 57.

There are two interesting points about this letter. First, it is clear that Mountbatten regarded accession of Kashmir to India to contain a definite provisional element; and the need for an eventual reference to the will of the people of Kashmir, out of which grew the whole question of a Kashmir plebiscite, was to be reaffirmed on several occasions in late 1947 by Pandit Nehru. Second, the mention of Sheikh Abdullah deserves notice. In his letter of 26 October the Maharaja observed that 'it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister'. It is to this that Mountbatten is referring. Did, then, Mountbatten's point about determining the wishes of the Kashmiri people mean no more than a requirement that the Maharaja permit, once law and order were restored, free elections in the State which, it was then generally expected, would produce a majority vote in favour of an administration under Sheikh Abdullah's premiership? This seems a reasonable interpretation in the light of the final nature of the Instrument of Accession which the Maharaja signed and which Mountbatten formally accepted. The Instrument, unlike the Governor General's letter, contains no mention of references to the public will: and it was the Instrument, not the exchange of private letters, which gave accession its legal form within the context of the Independence of India Act.

There can be no doubt that the correspondence of 26-27 October created something of a legal contradiction which was emphasized by Nehru's broadcast of 2 November 1947 and his communication with Liaquat Ali Khan, Prime Minister of Pakistan, on the following day. In his broadcast Nehru announced that:

We have decided that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices

like the United Nations. We want it to be a fair and just reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer.<sup>1</sup>

The phrase 'referendum held under international auspices' would seem to mean something rather more than the holding of Kashmir elections in which the people were given the opportunity to vote freely for Sheikh Abdullah. It carried with it the possibility, at least in theory, that the people might somehow opt for independence or for union with Pakistan, in either case expressing a desire for the annulment of the Instrument of Accession. Such a desire Pandit Nehru on behalf of his Government bound himself to respect. Hence the Instrument of Accession could only be regarded as provisional. Yet the Independence of India Act did not set up any machinery for this particular situation, a good piece of evidence for the conclusion that the British had not given sufficient thought to the problem of the partition of Paramountcy.

There can be no doubt that the crisis of the tribal invasion forced the Indian Government into making hasty decisions. What plans for this particular contingency, if any, the Indian politicians had made we simply do not know. It is certain, however, that Mountbatten was not prepared. When news of the tribal invasion reached him he seems to have concluded that it somehow was part of a piece of sharp practice by Mr. Jinnah. Mountbatten never got on with Jinnah and resented, so it seems, Jinnah's frustration of his ambition to be the first Governor General of both India and Pakistan. His immediate reaction to the crisis, in these circumstances, was to see how he could stop what he regarded as Jinnah's game. By obtaining the Maharaja's accession to India he secured both a right for Indian troops to intervene and a means for preventing intervention by the regular forces of Pakistan. Kashmir, legally speaking, was now Indian territory. The presence of Pakistani troops there would now constitute an act of aggression. In all this reasoning, moreover, Mountbatten was much impressed by the urgency of the situation. There were many European

<sup>1</sup> Kashmir White Paper, op. cit., pp. 52-55.

residents in Srinagar, and he had a nightmare vision that they would meet with the same fate as did the unfortunate occupants of St. Joseph's Convent, Baramula. This line of thought, for which the diary of Mountbatten's Press Attaché Alan Campbell-Johnson provides abundant evidence, seems to have prevented Mountbatten from taking the obvious step of getting in touch with the Pakistan authorities before deciding to accept the Maharaja's accession, thus ruling out negotiations at a stage when negotiations would be most free of the commitments brought about by the course of events.

On the Pakistani side Mr. Jinnah, the Governor General, and Liaquat Ali Khan, the Prime Minister, also saw in the Kashmir crisis evidence of a conspiracy. They believed that the situation had been so engineered by the Indians, whose puppet they thought Mountbatten to be, as to provide the excuse for Kashmir's accession to India beneath a defensive umbrella of Indian forces. Jinnah's immediate reaction on hearing of the arrival of the Sikh battalion at Srinagar was to order General Gracey, acting Commander-in-Chief of the Pakistan Army, to send in his own troops. Here the Pakistan side was at a real disadvantage. The armies of India and Pakistan were at that moment still under the same supreme command. Since 27 October and the Indian acceptance of Kashmir's accession it was clear that Pakistani action against Kashmir would be against India also. The Army Supreme Commander, Auchinleck, would not agree to what amounted to an inter-Dominion war. Gracey was instructed to tell Jinnah that if Pakistani regulars went into Kashmir, all British officers would have to resign from the Pakistan Army. Jinnah, in these circumstances, had to give in.

In an atmosphere of extreme mutual suspicion Lord Mountbatten went to Lahore on 1 November to discuss the Kashmir crisis with Jinnah. Nehru was unable, because of illness, to accompany Mountbatten and Patel more or less refused to go. Thus the two Governors General were left to do the best they could alone. Mountbatten put to Jinnah the suggestion that the Kashmir issue could be settled by a plebiscite, perhaps held under the supervision of the United Nations. This, of course,

could only follow the restoration of order, which meant, in effect the defeat and withdrawal from Kashmir of the tribesmen. Jinnah did not like the plebiscite idea at all, largely because he was convinced that its result would be determined by Sheikh Abdullah. The views of the Muslim League leadership on Sheikh Abdullah at this stage are clear enough. As Liaquat Ali Khan was to tell Nehru on 16 November:

While this Quisling, who has been an agent of [the Indian] Congress for many years, struts about the stage bartering away life, honour and freedom of his people for personal profit and power, the true leaders of the Muslims of Kashmir [i.e. Ghulam Abbas] are rotting in jail.<sup>1</sup>

Thus Jinnah was not prepared to run the risk of confirming Sheikh Abdullah in power. What he felt was urgently needed was a cease-fire within the next forty-eight hours followed by a simultaneous withdrawal from Kashmir of both the Indian Army and the tribesmen. Jinnah denied that he had any direct control over the tribesmen, but he was willing to tell them that if they did not leave the State of their own accord 'the forces of both Dominions will make war on them'. When the State was free of both tribesmen and Indian troops, then Jinnah and Mountbatten, the two Governors General, should 'be given full power to restore peace, undertake the administration of Jammu and Kashmir State and arrange for a plebiscite, without delay, under their joint supervision'. These were not, on the face of it, unreasonable proposals; and it may be regretted that India saw fit to reject them.

The Indian position, which Mountbatten put to Jinnah on 1 November 1947, and which Indian statesmen were to reiterate in the future, was that there could be no question of the Indian forces leaving Kashmir until the tribesmen had been withdrawn. This attitude was based upon the assumption, which in India has become an article of faith, that the tribesmen were acting under the direct orders of Mr. Jinnah's Government, as Lord Mountbatten, for one, believed. Was this true? As in so

<sup>1</sup> Kashmir White Paper, op. cit., pp. 62-65.

much else relating to the early stages of the Kashmir problem, our information is tantalizingly defective. The best evidence would suggest that there were important officials in Pakistan who knew what the tribesmen were up to; and, moreover, that some of them, like Khan Abdul Qayyum Khan, the Chief Minister of the North-West Frontier Province and himself a Kashmiri, had given the tribes active help in the provision of arms, ammunition, motor transport and fuel. But all this does not mean that the tribal invasion was part of the *policy* of the Government of Pakistan. The evidence rather suggests that it was not; indeed, it is unlikely that at this early stage in its life the Pakistan Government could have had a policy of any kind. Moreover, it is improbable that, at this juncture, the Pakistan central authorities could have stopped the tribesmen and their sympathizers from intervening in Kashmir even had Mr. Jinnah known exactly what was afoot. Even the British at the height of their power had not found the control of the Pathans of the North-West Frontier an easy task. The balance of the evidence suggests that in the Kashmir crisis the Pakistan Government lost control; and it would probably be as fair to blame Mr. Jinnah for the tribal outrages in Kashmir as to blame Mr. Nehru and his colleagues for the massacres of Muslims by Sikhs and Hindus which had just ended in the East Panjab.

Once Jinnah's proposals, which were repeated to Nehru by Liaquat Ali Khan, had been rejected, the exchanges between the Indian and Pakistani leaders became increasingly acrimonious and, in consequence, the prospect of any prompt settlement passed away never to return. While this was happening, Indian troops succeeded in breaking the back of the tribal offensive. At the same time the Gilgit region threw off all vestige of Dogra rule and declared for Pakistan. Already, with the onset of the winter of 1947-8 the military situation in Kashmir was fast approaching a stalemate, the State being effectively cut in two by an elastic but impenetrable battle-front. It was at this juncture, on 31 December 1947, that Pandit Nehru referred the Kashmir dispute to the Chairman of the Security Council of the United Nations by way of the Indian Delegation at Lake Success.

## 4

### *Kashmir and the United Nations*

*1948 to 1964*

During the course of 1948 fighting in Kashmir went on between the Indian Army and the forces of what Pakistani leaders liked to call the Government of Azad Kashmir (a body which had first emerged just before the Indian intervention in October 1947). The Azad forces, which originally consisted of men who had taken arms during the Poonch troubles reinforced by Pathan tribesmen, began increasingly to receive support from Pakistani regulars. At first it was merely a question of individual Pakistani soldiers taking their leave, as it were, on the Kashmir front. By May regular Pakistani units were involved; though at no stage during the first Kashmir war were Indian regulars outnumbered by Pakistani regulars.

The increased Pakistani involvement in the fighting made it possible to hold a line in Poonch and in the Muzaffarabad District of Kashmir Province against determined Indian attacks which would have been too much for the Azad Kashmir forces alone. Thus the town of Muzaffarabad at the junction of the Kishenganga and Jhelum Rivers survived as the capital of an Azad Kashmir Government, the nucleus of a Kashmir State free of both India and the Maharaja. The front between the Indian forces and Azad Kashmir became in due course the western half of the Kashmir cease-fire line.

The eastern portion of the cease-fire line emerged from a battle between Indian and Pakistani forces, the latter here with very little assistance from the Azad Kashmir men, for control of what became known as the Northern Areas, that is to say

in effect Ladakh and Baltistan. The Pakistanis opened this campaign with an offensive based on Gilgit and directed along the Indus towards Leh, the capital of Ladakh. The Indians replied with a remarkable operation involving the use of tanks at altitudes of 10,000 feet or more. The Pakistanis were unable to keep Kargil, the communications centre controlling the route from the Vale of Kashmir to Ladakh; nor were they able to retain a foothold in Ladakh, Skardu in Baltistan thus becoming their forward position up the Indus. The failure of the northern campaign was to have grave consequences for the future of Sino-Indian relations since some of the territory which Pakistan could not hold provided Indian access to what was later to become the area of Chinese claims in Aksai Chin. This failure also meant that the line between Indian and Pakistani control in the territories which had once made up on the map the State of Jammu and Kashmir now virtually cut the State into two equal portions. Pakistan held the Gilgit region, Baltistan and a narrow strip of Kashmir Province, Poonch and Jammu along the West Panjab border. India held Ladakh, the bulk of Kashmir Province and Jammu, and about half of Poonch.

In the autumn of 1948 the Indians developed an offensive in Poonch which not only freed Poonch town from Pakistani investment but also threatened to bring the Indian Army to the West Panjab border, cutting Azad Kashmir in two. The Pakistani response to this was a plan which in many respects parallels that which they adopted during the Kashmir war of 1965. Pakistani forces were withdrawn not only from remoter parts of the Kashmir front but also from the Lahore region of Pakistan proper. These were concentrated near Jammu for an attack which was intended to cut the main Indian line of communication into the State from Jammu town and East Panjab. The intention was to bring about a kind of Stalingrad in which the bulk of the Indian forces in Kashmir would be cut off. Grave risks were involved, as the events of 1965 show clearly enough, for the obvious Indian counter to a move of this kind was to attack Lahore and other West Panjab centres, thus

bringing on an unrestricted war between the two successor states to British India.

In the event, instead of an escalation of the war in the final days of 1948 there were negotiations leading to a cease-fire which took effect on 1 January 1949: and on 27 July 1949 India and Pakistan signed at Karachi an agreement defining the cease-fire line in Kashmir which, until the outbreak of the 1965 war, was to mark the effective limit of the sovereignties of the two States. In part this rapid and unexpected, though partial and temporary, settlement of the Kashmir conflict was due to the fact that in late 1948 the commanders of the armies of both India and Pakistan were still British. General Gracey for Pakistan and General Bucher for India had remained in close touch despite the strained relations between the two nations which they served; and with the increasing prospect of a general Indo-Pakistani war the British generals were powerful advocates of moderation. Doubtless also both Pandit Nehru and Liaquat Ali Khan (Mr. Jinnah died in September 1948) had no desire to see their newly independent nations mutually destroy each other. Finally, the calming down of the Kashmir situation can certainly be attributed in some degree to the influence of the United Nations.

Outside commentators on the Kashmir problem have tended to concentrate on the United Nations aspects. This is partly because Kashmir was one of the first disputes put to the United Nations, and, as such, was seen in many quarters to be a crucial experiment in the possibility of settling quarrels between nations by international discussions. In part, however, the emphasis on the United Nations derives from the great volume of reports and other documents to which Kashmir in the U.N. has given rise. The result, perhaps, has been a trifle misleading. All the U.N. has been able to do in this kind of problem has been to devise formulae for a possible settlement and lend its good offices in attempts at arbitration or mediation. In Kashmir the U.N. has never had the power to enforce a settlement beyond the power lent it by world opinion. Thus many of its discussions have contained within them an element of unreality. The essence of the

Kashmir problem is not to be found, except by inference, in the debates of the Security Council: it lies in the internal politics of India and Pakistan. Hence I do not propose here to examine in microscopic detail every plan advanced by the United Nations and its officials. I will confine myself to a brief outline of the history of the U.N. involvement and an analysis of the basic nature of the solutions which it proposed.

It was the Indian side which first brought Kashmir to the Security Council. On 1 January 1948 the Indian Representative, P. P. Pillai, transmitted to the President of the Security Council the Indian case as it had been sent to him the previous day. This took the form of a complaint against Pakistan; and under Article 35 of the United Nations Charter it requested the Security Council to instruct Pakistan to desist from meddling in Kashmir. The Indian argument was based on the validity of the Maharaja's accession to India. Pakistan had no right to aid the tribesmen or to permit her nationals to take part in the Kashmir fighting. Over the next few months this case was developed at great length by Gopaldaswami Ayyengar, one-time Prime Minister of Kashmir and Minister in the Indian Government, who was aided by a team which included Sheikh Abdullah. From the outset the Indians concentrated on the single legal issue of the Maharaja's accession which they refused to consider in the wider context of the partition of the entire subcontinent. The whole issue, so Gopaldaswami Ayyengar said on many occasions, arose from Pakistan's 'error' in aiding and abetting the Pathan tribal invaders in Kashmir. At this early stage, it is worth noting, the Indian side took care not to call Pakistan an 'aggressor', though such restraint was subsequently to be abandoned.

Pakistan, ably represented by Sir M. Zafrullah Khan, the Pakistani Foreign Minister, approached the question in a fundamentally different way. It denied, naturally enough, Indian charges of illegal action in regard to the tribesmen. It represented the situation in Kashmir as essentially one of popular revolt against the oppressive régime of the Maharaja. It challenged the validity of the Maharaja's accession to India. Beyond

these points of detail, one might almost say, Pakistan, however, raised a much more fundamental issue. Kashmir, so Zafrullah Khan said, was part of a wider Indian project for the very suppression of Pakistan itself. The Kashmir accession to India, which India accepted, was compared to Junagadh's accession to Pakistan, which India had set aside. In both cases, it was pointed out, the ruler was of a different religion to his subjects, Kashmir with Hindu rule over Muslims and Junagadh the precise opposite. Pakistan accused India of fraud, oppression, even genocide in the attempt to prevent and then undo partition. In the Kashmir case, Pakistan requested that the Security Council set up a Commission which would arrange for a cease-fire in Kashmir, followed by the withdrawal of all outside troops, whether coming from India or Pakistan, as the prelude to the establishment of a fully impartial Kashmir administration and the holding of a plebiscite to determine the wishes of the Kashmiri people. All this, in effect, was very much what Mr. Jinnah had put to Lord Mountbatten on 1 November 1947.

The key to the differences between the Indian and Pakistani arguments on Kashmir before the Security Council is to be found, without doubt, in the ideas of the two sides on the question of a plebiscite. India accepted that a plebiscite was called for – she could hardly do otherwise after Pandit Nehru's assurances; but she insisted that this plebiscite should follow the total withdrawal of the tribal invaders and other Pakistan-sponsored forces from Kashmiri territory. It was this withdrawal which India was asking the Security Council to bring about. Once achieved, then a plebiscite might be held in which, so Indian leaders certainly anticipated, there would be an overwhelming majority vote for Sheikh Abdullah and his administration. Such a vote would mean the retention of Kashmir within the orbit of the Indian Union.

To Pakistan the plebiscite meant something rather different. With Sheikh Abdullah in control, abetted by Indian forces, the vote could only go in favour of India. Hence it must be so arranged that when the time for voting came not only would the Indian troops have withdrawn completely but also Sheikh

Abdullah's influence would have been to some degree neutralized by the establishment of an 'impartial' Kashmiri Government under some kind of effective United Nations supervision. Even under these circumstances, in the early stages of the Kashmir problem when the memory of the horrors of the tribal invasion of October 1947 was still fresh in Kashmiri minds, thoughtful Pakistani leaders cannot have been convinced that the vote would in fact go in their favour. At this period, 1948-9, a Kashmir plebiscite would have involved a considerable Pakistani gamble. Had Pakistan lost, then Azad Kashmir would have disappeared into Sheikh Abdullah's empire and there would also develop an Indian demand that Gilgit be handed over to the Srinagar authorities as well. In the first Pakistani discussions at Lake Success of the plebiscite question, therefore, one may perhaps detect something a little less than enthusiasm. As time went on, of course, and Indian popularity in Kashmir declined, so did Pakistan's attitude change somewhat.

It is clear that from the outset the Kashmir question involved a struggle between two Powers for the possession of a tract of territory which they each wanted on cogent political and economic grounds. This was a kind of dispute which the United Nations did not have the authority to settle. It was, essentially, a dispute which could not be settled by the devising of a compromise formula for a plebiscite. Modern history has shown that Powers in Europe and America, let alone in Asia, have been extremely reluctant to submit matters relating to important tracts of land to the chances of a referendum or arbitration unless by so doing they run the absolute minimum of risk. Malaysia, for example, has refused to consider arbitration over the Philippine claim to part of Sabah (North Borneo): the gains to be derived from a final settlement simply do not justify the risks, even in a situation where the Malaysian case is very strong. By the like token the Philippines, who have nothing to lose from an unfavourable decision – Malaysia is in possession, press for arbitration. These reactions arise from the nature of the sovereign state.

While India might possibly have won a Kashmir plebiscite in 1948, even under the kind of conditions which Pakistan said she would accept, yet there were two sound political reasons why India should not take the risk. First, it was clear that any cease-fire in Kashmir would probably leave India holding the bulk of the most valuable part of the territory, Jammu and Kashmir Provinces, containing the majority of the population and the economic resources. All this would be put to *some* risk in a plebiscite. Second, an electoral victory for Sheikh Abdullah would not of absolute necessity be a vote for union with India. Sheikh Abdullah had already made it abundantly clear that he did not feel that the Kashmiri people could possibly be bound by the decision of the Maharaja to accede to India. As he declared on the day that the Maharaja actually signed the Instrument of Accession:

Kashmir to be a joint Raj of all communities. Our first demand is complete transfer of power to the peoples of Kashmir. Representatives of the people in a democratic Kashmir will then decide whether the State should join India or Pakistan. If the forty laks [4,000,000] of people living in Jammu and Kashmir are bypassed and the State declares its accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle. Of course, we will naturally opt to go to that Dominion where our own demand for freedom receives recognition and support. We cannot desire to join those who say that the people must have no voice in the matter.<sup>1</sup>

As India was indeed to discover by 1953, Sheikh Abdullah might be no willing puppet of New Delhi. There could be no guarantee, moreover, particularly after the death of Mr. Jinnah in September 1948, that Sheikh Abdullah might not come to terms with the Pakistani politicians.

In the Security Council of the United Nations the Indian and Pakistani arguments produced a Resolution (17 January 1948) calling both sides to cease hostilities at once, followed (20 January 1948) by the formation of a United Nations Commission for India and Pakistan (UNCIP). The UNCIP,

<sup>1</sup> *Kashmir White Paper*, op. cit., p. 14.

at first with three members and then with five, was to investigate the situation on the spot, to endeavour to help India and Pakistan to bring about law and order in Kashmir, and then to try to arrange for a plebiscite to decide the future of the State. The UNCIP, after some delay, reached the sub-continent in July 1948; and, after talks with Indian and Pakistani leaders, on 13 August it produced its plan. This called for a cease-fire to be followed immediately by the opening of negotiations for a truce agreement which would involve the withdrawal of the Pathan tribesmen and other Pakistani nationals – the UNCIP, much to Nehru's annoyance, was very careful not to pass any moral judgements on the Pakistan side – followed by the withdrawal of the bulk of the Indian forces. When the truce agreement was signed, then both sides would start working out the arrangements for a plebiscite.

The UNCIP plan, in effect, found favour in the eyes of neither side. Nehru was reluctant to agree to any formula which did not contain within it some condemnation of Pakistan. As he said to a member of UNCIP, Josef Korbel of Czechoslovakia: 'Pakistan must be condemned.' Indians much resented the attitude of the United Nations that here was a genuine dispute with a measure of right on both sides. Their insistence on a moral verdict, however, certainly did not make the task of UNCIP any easier. The Pakistani leaders objected to the UNCIP plan on quite different grounds. They could not accept a situation where they would have to withdraw to leave the Kashmir plebiscite in the hands of Sheikh Abdullah, who had formally become Prime Minister of the State on 5 March 1948, under the protection of Indian forces. India, after all, was only asked to withdraw the *bulk* of her forces, while the forces sympathetic to Pakistan would have to withdraw completely: hence, whatever happened, there would be *some* Indian troops left and probably enough to overawe the timid population of the Vale. In the event, India made a rather guarded acceptance of the UNCIP plan, perhaps in the certain knowledge that Pakistan would not agree to it. The result was the first of an

interminable series of stalemates which were to vex successive attempts at mediation by the United Nations.

On 5 January 1949, shortly after the Kashmir cease-fire had been announced, the UNCIP produced a detailed plan for a Kashmir plebiscite. In an attempt to allay Pakistani fears that the plebiscite would be dominated by Sheikh Abdullah and the Indian Army, it proposed that for the period when the plebiscite was actually being held the State of Jammu and Kashmir should pass under the control of a Plebiscite Administrator. To this post the Secretary General of the United Nations appointed Fleet Admiral Chester W. Nimitz on 22 March. The idea of a Plebiscite Administration, welcomed in Pakistan, was coolly received by the Indian side. It implied, they felt, a challenge to the legality of Kashmir's accession. When India rejected the proposal of President Truman and Prime Minister Attlee, made on 31 August, that both sides should agree to accept arbitration on the many differences of interpretation of the UNCIP plans, the first phase of the United Nations involvement in Kashmir came to an end. By this time, with the delimitation of the cease-fire line in Kashmir by the Karachi Agreement of 27 July, the really pressing problem of the crisis, namely to bring actual fighting to an end, had been solved. It was clear that neither India nor Pakistan was as yet so eager for a wider settlement as to be prepared to sacrifice any of its major points of principle.

In December 1949 the Security Council made a new approach to the Kashmir problem when it proposed that its President, General McNaughton of Canada, should endeavour to mediate between India and Pakistan. The McNaughton proposals, apart from dealing with the problem of the Northern Areas (in effect that part of Baltistan controlled by Pakistan which should now be considered along with the Vale, Poonch and Jammu), modified somewhat the UNCIP position on the demilitarization of the State. A distinction was now drawn between the forces of Pakistan and those of Azad Kashmir. While the Pakistani troops should be withdrawn entirely, the Azad troops should merely be 'reduced' by disbanding. The

McNaughton plan was welcomed by Pakistan but rejected by India on the grounds, in effect, that it implied a legitimization of the concept of Azad Kashmir. Thus the McNaughton mediation can only be described as a failure. It did give rise, however, to the appointment of Sir Owen Dixon, a distinguished Australian jurist, as United Nations Representative to take over the functions of the UNCIP.

After a strenuous tour of Kashmir and on the basis of long discussions with both Liaquat Ali Khan and Pandit Nehru, Sir Owen Dixon presented his report to the United Nations in September 1950. It is a fascinating document, one of the very few pieces of literary elegance and wit to emerge from the sorry Kashmir story. It did not, however, indicate any easy solution to the problem. Sir Owen Dixon concluded that there could be no question of proposals for a plebiscite, such as the UNCIP had advanced, ever bearing fruit. He himself was inclined to favour some scheme for the partition of Kashmir between India and Pakistan; but he could find no basis on which a proposal of this kind could be given practicable expression. He believed, in fact, that the Kashmir question simply could not be solved by international arbitration. He saw that the effective Indo-Pakistani border in Kashmir would for years to come be the cease-fire line; and accordingly he suggested that the United Nations observers who had been stationed along that line as a result of the Karachi Agreement of 27 July 1949 should continue to carry out the one peace-keeping task which it was within the power of the United Nations to fulfil. He urged that from now onward the United Nations should concentrate on improving the conditions of the cease-fire, which would constitute if unwatched a constant threat to peace; and the Security Council should, he implied, waste no more time devising complicated but quite impracticable schemes for a plebiscite. In the more than fifteen years which have followed the publication of this report nothing has happened to suggest that Sir Owen Dixon made anything but the shrewdest of diagnoses.

Despite Sir Owen Dixon's gloom, the United Nations did not give up its struggle to bring about a mediated settlement in

Kashmir. The Security Council, after all, had resolved that there should be a plebiscite; and it did not seem as yet disposed to permit its resolutions to moulder in a limbo of fruitless good intentions. Spurred by the proposal of the All Jammu and Kashmir National Conference, Sheikh Abdullah's organization, to convene a Constituent Assembly and thereby take decisions on the future of the State which might conflict with the recommendations, still *sub judice*, of United Nations organs, the Security Council again debated the Kashmir question in the first half of 1951. On 30 March it resolved that the course of action on which Sheikh Abdullah appeared to be embarked in considering a Constituent Assembly was in conflict with the principles behind the various proposals for a Kashmir plebiscite which the Security Council had indicated were the best means for deciding the State's future. Dr. Frank P. Graham, one-time U.S. Senator for North Carolina, was appointed United Nations Representative in succession to Sir Owen Dixon with instructions to go to the subcontinent and further explore the possibilities for the demilitarization of Kashmir and a plebiscite.

Between 1951 and 1953 Dr. Graham submitted no less than five reports to the United Nations in which he described his endeavours to find a satisfactory formula for the problem of the demilitarization of Kashmir. Dr. Graham was not one whit more successful than had been Sir Owen Dixon, and for precisely the same reasons. India continued to make what was now being termed a Pakistani 'vacation of aggression' a precondition; and Pakistan retained the deepest mistrust of the fairness of any plebiscite which was not protected adequately by international safeguards. Dr. Graham's lack of progress, combined with various attempts to solve the problem by direct negotiation (which will be considered later on), served to keep Kashmir off the Security Council agenda until January 1957 when Pakistan raised the matter. The occasion was once more the Kashmir Constituent Assembly which had recently met to declare, in November 1956, that 'the State of Jammu and Kashmir is and shall be an integral part of the Union of India'. The Security Council, on 24 January 1957, resolved that this development

was in clear conflict with the principle of a plebiscite; and on 14 February it proposed that its President, Gunnar Jarring of Sweden, be sent to the subcontinent to investigate and to attempt, yet again, mediation between India and Pakistan. Gunnar Jarring, as his report of 29 April 1957 made abundantly clear, was no more successful than had been Sir Owen Dixon and Dr. Graham.

During the debate on Gunnar Jarring's report, which began in late September 1957, the Pakistan Foreign Minister, Malik Firoz Khan Noon, declared that his country was prepared to withdraw every soldier from Kashmir, including by implication Azad troops, if their place were immediately taken by United Nations troops. He doubtless had in mind the example of the use of such forces in the Suez crisis. This proposal, though opposed by the Soviet Union, yet seemed sufficiently promising to merit exploration; and it became one of the objectives of a further mission by Dr. Graham. Pakistan was most co-operative in this venture; but India was not. Dr. Graham's report of 28 March 1958 made it clear that he had failed yet again to achieve any significant progress. His report concluded with a cry for moral values in this thermonuclear age. The final paragraph shows the spirit which kept Dr. Graham at work in the face of the intractable realities of Indo-Pakistani relations; and as such it deserves quotation. Wrote Dr. Graham:

The light of faith and the fires of the inner spirit, which, in dark times in ages past, were lighted among Asian, African and Mediterranean people for peoples in all lands, have shone most nobly in our times in the heroic struggles, liberation and universal aspirations of all the people of the historic subcontinent for a freer and fairer life for all. With their two-fold heritage of faith in the Moral Sovereignty, which undergirds the nature of man and the universe, and with a reverence for life challenging the violent trends of the atomic era, these peoples, in the succession of their prophetic leadership and great example, may again give a fresh lift to the human spirit of people everywhere. The peoples of the world might in high response begin again in these shadowed years to transform with high faith and good

will the potential forces of bitterness, hate and destruction, step by step through the United Nations, toward the way of creative co-operation, economic, social and cultural development, responsible disarmament, self-determination, equal justice under law, and peace for all peoples on earth as the God-given home of the family of man.<sup>1</sup>

This impassioned moral note marked the end of the Security Council's consideration of Kashmir for some four years. In February 1962, however, the Pakistan delegate, Zafrulla Khan, again brought it to their attention in a protest against certain bellicose speeches by Indian statesmen calling for the 'liberation' of Azad Kashmir. Zafrulla Khan described the failure of direct Indo-Pakistani negotiations since Dr. Graham's last report; and he once more sought the mediation of the United Nations. On this occasion, however, the Russian veto, the 100th in the history of the United Nations, prevented the Security Council from making any resolution, even one so mild as merely to urge India and Pakistan to continue negotiating with each other. In early 1964, following the crisis in Kashmir of December 1963 to January 1964 when the disappearance of a sacred Islamic relic, a hair of the Prophet Mahommed, from the Hazratbal Shrine near Srinagar gave rise to serious civil disturbances in the Vale, Pakistan again raised the Kashmir issue in the Security Council. The Council, however, did not even proceed to a draft resolution, its President suggesting that it adjourn the debate *sine die* in the hope that a new climate of opinion, of which signs were then detected, should produce more fruitful negotiations between India and Pakistan than had taken place in the past. The debate was still adjourned when serious fighting broke out between India and Pakistan over Kashmir in the summer of 1965.

It may fairly be said that in the space of some seventeen years the United Nations made absolutely no progress at all in its quest for a final solution for the Kashmir problem. It had played an important part in the securing of a cease-fire and the

<sup>1</sup> Government of Pakistan, *Reports on Kashmir by United Nations Representatives*, Karachi 1962, p. 293.

*Kashmir and the United Nations, 1948 to 1964*

demarcation of a cease-fire line. Its corps of observers from 1949 to the beginning of 1965, moreover, helped in ensuring that incidents along the cease-fire line did not turn into the beginnings of a fresh outbreak of war. Once the cease-fire had been achieved, however, there was really little beyond this that the United Nations could do. It could not force India and Pakistan to come to terms with each other; and without Indo-Pakistani collaboration it had really no prospect of bringing about a plebiscite. There can be no doubt, in fact, that from the middle of 1949 the United Nations lost all initiative in the question. The Kashmir dispute from this point developed because, on the one hand, the internal and external policies of India and Pakistan were evolving, and, on the other hand, there was a process of political change constantly at work within Kashmir itself. These forces we must now examine.

## 5

### *Inside Kashmir, 1947 to 1965*

As a result of the events of October 1947 the State of Jammu and Kashmir was, in effect, cut up into three distinct sectors. By 24 October 1947, two days before the Maharaja signed his Instrument of Accession to India, the rebels in Poonch and their allies set up what was to be known as the Azad Kashmir Government (the Government of 'Free' Kashmir) with its headquarters at Muzaffarabad. In the covering letter to the Instrument of Accession the Maharaja promised to set up some kind of popular Kashmir régime under the leadership of Sheikh Abdullah; and this had come into effect by March 1948. Thus, opposed to the 'Free' Kashmir régime at Muzaffarabad there was the 'Legal' Kashmir régime at Srinagar. Neither of the Kashmir régimes, however, had any influence in about one third of the State's area. The Gilgit region in the north of the State passed virtually without conflict into Pakistani hands during the course of the last three months of 1947. Under the British this region since the late nineteenth century had carefully been kept away from the direct control of the Maharaja. Pakistan, following this tradition, did not permit the Muzaffarabad authorities to meddle in northern affairs. Gilgit, Hunza, Nagar and the rest had by the end of 1947, in effect, passed outside the orbit of the Jammu and Kashmir State, a fact to which even Pandit Nehru was obliged from time to time to accord some grudging recognition.

The Azad Kashmir Government had already come into being a few days before the Maharaja's accession. It was led by Sirdar Mohammed Ibrahim, who had at one time been Assistant

Advocate General in the Maharaja's Government. He was a member of the Muslim Conference who had managed to escape the purge of 1946 which had resulted in the imprisonment of Ghulam Abbas. In March 1948 Ghulam Abbas became Supreme Head of the Azad Kashmir Government, a post which he resigned in December 1951. The Muzaffarabad régime controlled a fairly small strip of territory along the borders of Pakistan. The total area was about 5,000 square miles and there was a population of some 900,000, of whom at least 200,000 were refugees from Indian-controlled Kashmir. The political flavour of this Government was, and to a great extent still is, provided by the All Jammu and Kashmir Muslim Conference, Azad Kashmir is a one-party State, but few observers deny that the régime commands overwhelming popular support. The Azad Government has carried out a real measure of social reform, abolishing the more blatantly feudal aspects of the Maharaja's rule, though it has not gone as far in the direction of land reform as did the Government of Sheikh Abdullah across the cease-fire line in Srinagar. The main political aim of the Azad régime has been first, to unite Kashmir and, second, to join in some association with the Islamic State of Pakistan. The links between Muzaffarabad and Pakistan have been from the outset very close; but it cannot be said that the Pakistan authorities have carried out direct administration in Azad territory. The Azad Government has always been a genuine government with policies and plans which the Karachi or Rawalpindi authorities could only ignore at their peril. The actual link between Azad Kashmir and Pakistan has, since early 1949, been through a Pakistan Ministry of Kashmir Affairs. The armed forces of Azad Kashmir have since at least 1948 been under the supreme command of the Pakistan general staff; but there does appear to be a real distinction between Azad troops and Pakistani regulars. Many Azad units have their origin in the Poonch revolt and the Pathan intervention in the period before the Maharaja's accession to India turned Kashmir into an Indo-Pakistani battlefield.

On the eastern side of the cease-fire line and about a hundred miles away from Muzaffarabad lies the capital of Indian-controlled Kashmir, Srinagar. Here on 5 March 1948, by the Maharaja's proclamation, Sheikh Abdullah became the Prime Minister of an interim Government. Members of his National Conference made up the Cabinet. The Srinagar régime was, like the Muzaffarabad régime, a one-party State. In one sense, therefore, the partition of Kashmir was as much a division of the territory between the two main Kashmiri parties, the Muslim Conference and the National Conference, as it was between Pakistan and India. This fact, that internal Kashmiri politics is directly involved in the cease-fire line partition, has certainly much hampered the freedom of action of India and Pakistan in their mutual negotiations. Neither side has been able to ignore beyond a certain point the wishes of its own supporters in the State.

The political ideology of Sheikh Abdullah was of a distinctly socialist tinge. He stood some way to the left of Pandit Nehru; and some of his associates, so foreign observers like Josef Korbel felt, were probably communists. Once in control of the Government of that territory which lay on the Indian side of the cease-fire line, Sheikh Abdullah set out to put some of his ideas into practice. The basic programme had been outlined by the National Conference in 1944 in a manifesto entitled *New Kashmir* which called for what amounted to a one-party Government in the State of Jammu and Kashmir dedicated to social reform along the lines pioneered by the Soviet Union. One of the first priorities was land reform; and by March 1953 Sheikh Abdullah had enforced a revolution in the landholding pattern of the State including the establishment of something very like collective farms. All this was accompanied by a great deal of governmental involvement in industry and the distribution of industrial products. Further, Sheikh Abdullah set up a planning system modelled on the Indian five-year plans. The first Kashmir plan provided for irrigation works and for the construction of a tunnel under the Banihal pass which would keep

open throughout the year the crucial line of road communication between Jammu and Srinagar.

One plank in the platform of the National Conference during the 'Quit Kashmir' agitation of 1946 had been the abolition of the rule of the Dogra dynasty: it was for this reason that Sheikh Abdullah and his colleagues had been incarcerated in that year. Subsequently, however, Maharaja Hari Singh may perhaps have hoped that, in the circumstances which brought Sheikh Abdullah to power, a more tolerant attitude towards the Dogras might become acceptable. If the Maharaja believed this, he was soon to find that he was mistaken. By acceding to India the Dogra ruling family may have believed that it stood a better chance of staying in power than it would have by joining Pakistan. In fact, by 1952 the Dogra dynasty had been abolished and the Maharaja had been replaced by a constitutional Head of State elected for a five-year term by the Legislative Assembly. The first Head of State was Karan Singh, the son of Maharaja Hari Singh, so the Dogras managed to retain some foothold in the corridors of power; but the age of their absolute rule had definitely passed never to return.

The end of Dogra rule was formally brought about by a Kashmir Constituent Assembly which was convened in October 1951. The members of the Assembly were elected; and Sheikh Abdullah's National Conference Party won all its seats, seventy-five in all. The election could hardly have been described as free. The object of the Constituent Assembly, which was to determine the 'future shape and affiliations of the State of Jammu and Kashmir', appeared to conflict with resolutions made by the Security Council of the United Nations, which was endeavouring in rather different ways to decide on the future of the State. Security Council protest, however, did not hinder the Assembly in its deliberations. As the chairman of the Assembly put it:

Kashmir was not interested in the United Nations, which was the victim of international intrigues. The path of Kashmir and the U.N. lay in different directions. . . . It is well known that the National Conference had gone to the people of the

State with a programme of accession to India and this programme had been ratified by every single adult voter of the State.<sup>1</sup>

The election for the Constituent Assembly was to be used increasingly by the Indian side as an argument for the rejection of proposals for a plebiscite to decide Kashmir's future status. It was held that the Constituent Assembly was the product of a popular vote ratifying accession; and no further vote was called for. The Constituent Assembly also served to emphasize the problem of the precise nature of Kashmir's relationship with India. It could be argued that by accession the State had become an integral part of the Indian Union. This, however, was certainly not Sheikh Abdullah's view. In July 1952 Pandit Nehru and Sheikh Abdullah came to terms on this question. In an agreement which they signed in Delhi it was specified that the State of Jammu and Kashmir, while part of the Indian Union, yet enjoyed certain unique rights and privileges within the Union. Citizens of the State had rights relating to land within the State which were denied to Indians from outside the State. The powers of the legislature of the State were recognized. The power of the President of India to declare a state of emergency could only be exercised in Jammu and Kashmir 'at the request or with the concurrence of the Government of the State'. The precise nature of the relationship between Kashmir and India was certainly rather vague, calling for further definition. This fact was recognized in Article 370 of the Indian Constitution, which was entitled '*Temporary provisions with respect to the State of Jammu and Kashmir*'.<sup>2</sup>

The Indian authorities in New Delhi no doubt felt that eventually Kashmir would become just another Indian State, but that in view of the crisis then prevailing in the State and the interest taken in it by the United Nations, it would be as well not to proceed to any final arrangement at this juncture. It would seem that this attitude was not shared by Sheikh

<sup>1</sup> *The Hindu* (Madras), 1 November 1951, quoted by Josef Korbel, *Danger in Kashmir*, Princeton 1954, p. 222.

<sup>2</sup> My italics.

Abdullah, who had no desire to find his Government swallowed by the Indian Republic. Throughout the course of the Kashmir dispute Sheikh Abdullah's attitude appears to have been constant. He wanted an independent Kashmir, perhaps in association with India. He did not want a Kashmir absorbed entirely by either India or Pakistan. His outlook, however, was not shared by everyone in the State. The Praja Parishad Party, based mainly on the Hindus of Jammu Province, sought a much closer relationship with India. The leaders of the Buddhist population of Ladakh, faced with the impact of Sheikh Abdullah's land policy, sought Indian protection and threatened to look for a closer association with Tibet; though by 1951 the prospect of Chinese communism can hardly have seemed preferable to Sheikh Abdullah's socialism.

Growing tensions in Kashmir were reflected in Sheikh Abdullah's own party, the National Conference; and it was from this quarter that the most effective opposition to his rule was organized. In August 1953, when Sheikh Abdullah was away from Srinagar, his close associate Bakshi Ghulam Mohammed arranged for his dismissal by the Head of State. Bakshi Ghulam Mohammed became Prime Minister in his place. Born in 1907, Bakshi Ghulam Mohammed had joined Sheikh Abdullah in the agitation of 1931. In 1946 he had been the liaison between Delhi and Srinagar during the 'Quit Kashmir' movement. He had returned from India to Srinagar in September 1947, and had played a crucial role in maintaining order during the crisis of the tribal attack. Bakshi Ghulam Mohammed was certainly a man of great ability and energy. He had also acquired a considerable fortune by methods which are open to suspicion. He was far less radical in his political outlook than Sheikh Abdullah, and far more in tune with the philosophy of the moderates in the Indian National Congress. Once in control, he declared that Kashmir was an integral part of India and 'no power on earth can separate the two countries'. One of the first acts of the Bakshi Ghulam Mohammed régime was to arrest Sheikh Abdullah who was accused, among other things, of treasonable correspondence with foreign Powers.

Except for a brief spell of liberty between January and April 1958, Sheikh Abdullah was to remain a prisoner until April 1964. He was rearrested in May 1965, and at the moment of writing (March 1966) is still under house arrest.

The fall of Sheikh Abdullah aroused much feeling in Pakistan, where from this moment he became a public hero; and soon it would be the Indians, not the Pakistanis, who called him a Quisling. With Bakshi Ghulam Mohammed in power, Kashmir started drifting steadily into the Indian orbit. Whatever Pandit Nehru might say, and whatever the Security Council of the United Nations might resolve, the question of a plebiscite in Kashmir became increasingly less capable of practical realization. In February 1954 the Kashmir Constituent Assembly, while adhering to the special position of the State, confirmed the legality of its accession to India. By October 1956 the Constituent Assembly had decided upon a Constitution for the State which came formally into operation on 26 January 1957. It was modelled on the Indian Constitution, with a bicameral legislature. It provided for jurisdiction in the State of the Indian Supreme Court and the Indian Comptroller and Auditor-General. It declared that 'the State of Jammu and Kashmir is and shall be an integral part of the Union of India'. Despite protests by Sheikh Abdullah (from his prison cell) and by the Security Council of the United Nations, the new constitution duly came into effect. Its introduction was a factor in the formation of a new opposition party in the State, the Plebiscite Front under the leadership of Mirza Afzal Beg who argued that here was a direct contradiction to the Indian commitment for a Kashmir plebiscite under United Nations supervision.

Under the new constitution elections were held in March 1957. Like the elections for the Constituent Assembly in 1951, they could hardly be described as having been completely free. Out of seventy-five seats in the Legislative Assembly the National Conference won sixty-eight, while seven seats went to Hindu parties. In 1962 there were fresh elections in which the National Conference slightly improved its position, gaining

seventy seats. In India these elections have frequently been pointed to as popular confirmation of the accession of 1947; and they have been used by Indian diplomatists as an argument against the continuing need for a plebiscite.

In October 1963 the reign of Bakshi Ghulam Mohammed came to an end. His resignation was the result of the Kamaraj Plan of August 1963 which was intended to bring about a revitalization of Congress. It is suspected that Pandit Nehru was glad to see him go: he was certainly an obstacle in the way of any Indo-Pakistani *rapprochement* such as was being explored during the course of 1963. He was succeeded by Khwaja Shamsuddin. Just before his departure, Bakshi Ghulam Mohammed announced proposed changes in the State's constitution which were hardly calculated to reassure Pakistani opinion. It was proposed that, in order to bring the State's constitution more in line with the constitutions of other Indian States, the title of the Head of State, the *Sadr-i-Riyasat*, should be changed to Governor, and, further, that the Prime Minister would now be known as Chief Minister. Moreover, it was also proposed that the Kashmiri representatives in the Indian Parliament, who had hitherto been nominated by the Kashmir Legislative Assembly, should now be elected directly by the people of the State. The threat of these changes certainly tended towards a deterioration in Indo-Pakistani relations which was further aggravated by the crisis which broke out in Srinagar in late December 1963.

On 26 December 1963 it was discovered that a sacred relic, a hair which was believed to have come from the head of the Prophet Mahommed, had been stolen from the Hazratbal shrine near Srinagar. The relic had been brought to Kashmir by the Moghul Emperor Aurungzeb (1658-1707). It was kept in a small glass tube which was ritually exhibited ten times a year: otherwise it was kept locked away in a wooden cupboard. The theft of the relic gave rise to expressions of intense public indignation in Srinagar. It was widely held that Bakshi Ghulam Mohammed was somehow involved in the outrage; and cinemas and other property belonging to the former Prime Minister

and members of his family were set on fire. In Pakistan there were demonstrations in protest against this crime which was declared to have been perpetrated by India. Srinagar was put under a curfew. The crisis, however, decreased in intensity when, on 3 January 1964, the relic was mysteriously returned to the Hazratbal Shrine. On 31 December, presumably as a reprisal for the loss of the hair relic which had not yet been returned, two images were removed from a Hindu temple in Jammu. The Muslim disturbances in Srinagar were thus accompanied by Hindu demonstrations of protest in Jammu by the Praja Parishad and other such parties. Throughout January tension continued in Srinagar; and the Jammu situation came to a head on 9 February when a general strike was called to support the demand for a prompt investigation of the loss of the Hindu cult objects.

The loss of the Hazratbal relic provided a most effective stimulus to the political life of Indian-held Kashmir. Maulana Mohammed Sayed Masoodi, who had at one time been the general secretary of the Kashmir National Conference, now organized an Action Committee dedicated to the investigation of the causes of the loss of the relic and to bring about its recovery. The Action Committee established branches in many parts of the Vale outside Srinagar and became, in effect, a coalition of opposition parties. Some of its members were followers of the policy of Sheikh Abdullah, with greater independence for Kashmir as the maximum goal: others were advocates of union with Pakistan. In 1964 the Action Committee was to split. One wing, the moderates, supported the policy of Sheikh Abdullah and of the Plebiscite Front and its leader M. A. Beg. Another wing supported Maulvi Farook and the Awami Action Committee, who were vocally pro-Pakistan.

The violence and political activity to which the loss of the Hazratbal relic had given rise much alarmed the Government of India. Not only was it apparent that India had failed to win the hearts and minds of the Kashmiris but also it looked as if this failure could produce a Hindu-Muslim crisis within India comparable to the great bloodbath of 1947. One immediate

consequence of the crisis in Srinagar following the disappearance of the hair relic was a violent outbreak of communal rioting in Calcutta. Something had to be done in Kashmir before the situation passed out of control. Mr. Lal Bahadur Shastri, then Union Minister without Portfolio, made a number of visits to the State to investigate. The outcome was the fall of Khwaja Shamsuddin and his replacement by G. M. Sadiq, an old associate of Sheikh Abdullah whom it was hoped would be more acceptable to Kashmiri opinion than members of the Bakshi Ghulam Mahommed clique. On 31 March Sadiq announced that Sheikh Abdullah would shortly be released from prison. On 8 April Sheikh Abdullah and fourteen other defendants were discharged by a special court, thus bringing to an end a trial which had been continuing since October 1958.

The release of Sheikh Abdullah ushered in a brief period when it looked at last as if some hope existed for a negotiated settlement between India and Pakistan of the Kashmir problem. In April, Sheikh Abdullah, after a triumphal return to Srinagar, visited India and held discussions with several leaders of the Central Government. In May he visited Pakistan, where he met President Ayub Khan at Rawalpindi. On 27 May he was about to set out for Azad Kashmir when he was informed of the death of Pandit Nehru, whereupon he returned at once to India. The death of Nehru, as we shall see in the next chapter, marked the end of this particular thaw in Indo-Pakistani relations over Kashmir, though the full consequences of his going took some time to take effect. Meanwhile, the release of Sheikh Abdullah and other leaders like Mirza Afzal Beg had much stimulated the political life of Kashmir. While Sheikh Abdullah did not express himself as being an advocate of a plebiscite leading to union with Pakistan, there were other spokesmen who were not so moderate. In September, possibly as a gesture to Kashmiri public opinion, the Sadiq Government caused the arrest of Bakshi Ghulam Mohammed on a vague charge of corrupt practices while in office.

By the end of October 1964 Indo-Pakistani relations over

Kashmir began to revert to their habitual state of acrimony, the momentum of the spring thaw having dwindled away after Nehru's death in a series of fruitless exchanges between President Ayub and Mr. Shastri. By December it seemed certain the Indian Government, far from resolving to talk about Kashmir with Pakistan, had decided to advance one stage further the integration of the State within the Indian Union. There was a revival of Bakshi Ghulam Mohammed's proposal for the direct election of the Kashmiri representatives in the *Lok Sabha*, the lower house of the Indian Parliament. Moreover, there was wide discussion of the possibility of extending to Kashmir the provisions of Articles 356 and 357 of the Indian Constitution, the force of which had hitherto been excluded by Article 370. These Articles would enable Indian Presidential rule to be instituted in the State and Indian legislation to come into effect there without prior approval by the State Government. To all intents and purposes this meant the cancellation of Article 370 and the formalization of what had in fact been happening for some years, since already many Indian laws had been extended to Kashmir, a process which had accelerated under the Sadiq Government. In December 1964 the Sadiq régime gave a clear indication of the way things were going when it released Bakshi Ghulam Mohammed after eleven weeks imprisonment without trial: it announced that it had decided to take this action because of the former Kashmiri Prime Minister's ill-health.

The first months of 1965 saw a rapid increase in political tension within Kashmir which the Indian Government had no hesitation in blaming on the influence of Sheikh Abdullah. In March the Indian Government gave Sheikh Abdullah and Mirza Afzal Beg passports to enable them to make the pilgrimage to Mecca. The Kashmiri party took this opportunity to attend the Afro-Asian Conference which was then assembling in Algiers. When, on their way to Algiers, they landed at London Airport, news reached them that 165 leaders and supporters of the Plebiscite Front Party had been arrested in Srinagar. At a London Press conference Sheikh Abdullah refused to condemn

Pakistan's relations with China, a fact which much enraged opinion in India. From London Sheikh Abdullah went on to Algiers where he had a brief discussion with Chou En-lai, the Chinese Prime Minister, who was there awaiting the opening of the abortive Afro-Asian Conference. In India this act was seen as the last straw. The Indian Government cancelled Sheikh Abdullah's passport and ordered his return. The Kashmiri leader complied, turning down the offer of a Pakistani passport. On his arrival by air at Delhi on 8 May, he and his companion Mirza Afzal Beg were arrested by the Indian authorities and flown to Ootacamund in the Nilgiri Hills. The reaction in Kashmir was rioting and the beginnings of a campaign of civil disobedience. By the time that opening exchanges of the second Indo-Pakistani war over Kashmir began in August it was clear that the Indian Government was already facing an increasingly serious crisis in the internal politics of the Jammu and Kashmir State, which then became swamped in the greater crisis of the clash of Indian and Pakistani arms.

A survey of the internal political development of Indian-controlled Kashmir over the decade 1954-64 does not, as Indian apologists argue, show within the State an increasing enchantment with the prospect of union with India. Sheikh Abdullah was certainly an autocratic ruler who instituted a one-party system of government; but there can be little doubt that he was enormously popular. With his removal in 1953 no substitute for him in the affections of the Kashmiri people was found. Bakshi Ghulam Mohammed would probably not have won a free election, that is to say an election away from the umbrella of the Indian Army, at any point during his ten years of office; and he took good care to avoid this particular risk. The elections of 1957 and 1962 were carefully managed and opposition groups like the Muslim Conference and the Plebiscite Front were unable to participate effectively. These elections on any objective analysis cannot possibly be interpreted as a valid substitute for the kind of plebiscite advocated on several occasions by the Security Council of the United Nations.

Lacking the kind of popular support which Sheikh Abdullah enjoyed, the Bakshi Bhulam Mohammed régime had no real alternative to an increasing reliance on India. The inexorable momentum of Kashmiri politics forced it towards strengthening the constitutional ties between Srinagar and New Delhi, thus not only increasing political tension within the State but also causing much alarm and resentment in Pakistan. As the integration of Kashmir into India progressed, so did the prospect of a plebiscite become ever more remote and negotiations with India appear more futile. By the early summer of 1965 it seems certain that the Pakistani authorities had despaired of ever arriving at a peacefully negotiated settlement with India; and they then began to intervene covertly in internal politics on the Indian side of the cease-fire line.

The whole trend of Kashmiri political development encouraged this line of policy. In the early years of the dispute it is unlikely that a majority of the population of Kashmir and Jammu Provinces would in fact, had they been given the chance to express their preferences, have opted for union with Pakistan. It seems most probable that they would have accepted the view of Sheikh Abdullah that the State should enjoy a degree of internal autonomy amounting virtually to independence. In such conditions some kind of association with the Indian Republic would have been acceptable. A constitution of this kind then seemed very unlikely under Pakistani rule. With the passage of time, however, it became increasingly clear that Kashmiri autonomy in association with India was a dream. The real choice was between Indian domination and Pakistani domination. Once this conclusion emerged, as it had by 1957, then the idea of a union with Pakistan became far more attractive. By the end of 1963 the majority of foreign observers of the Kashmir scene had little doubt that a plebiscite would lead to a clear call for the transfer of the entire State from India to Pakistan. In Indian-controlled Kashmir only Ladakh and some Jammu districts would vote against Pakistan. In these circumstances Sheikh Abdullah became an advocate of moderation. While firmly opposed to integration with India, no more in

*Inside Kashmir, 1947 to 1965*

1964 than in 1954 could he be accused of sponsoring union with Pakistan. In 1965, when subject to Indian attack while abroad, he refused to accept a Pakistani passport. Sheikh Abdullah's middle position, neither with India nor with Pakistan, can be seen clearly enough in an article which he published in *Foreign Affairs* in April 1965, where he points out that in the power struggle between India and Pakistan it is the Kashmiri people who have suffered most.

## 6

### *Plebiscite and the Cold War*

*1951 to 1957*

The attempts by the United Nations to find a solution to the Kashmir dispute, and the process of evolution in the internal politics of the divided State, were accompanied by a series of direct Indo-Pakistani discussions which offered, and still offer, the only real hope for a final settlement; and for this reason their history deserves separate consideration here.

In all her dealings with India over Kashmir, Pakistan laboured under one crucial disadvantage. The Kashmir question was of far less importance to India than to Pakistan, yet India controlled the most valuable portions of the State. She was under no real pressure to gain those portions held by Pakistan. It was clearly in her interests to let the whole question pass away into some limbo of unsolved territorial disputes. She could maintain her position by a policy of masterly inactivity. India, in other words, almost from the outset had the initiative, a fact of which the Indian leaders were fully aware. In order to bring about any change in the *status quo* it was up to Pakistan to act. To keep Kashmir at the Security Council, to retain before the court of world opinion the need for a plebiscite, to prevent the cease-fire line from acquiring the status of an international border, all this required constant Pakistani effort. The leaders of Pakistan, therefore, had to make, as it were, international nuisances of themselves merely to maintain the Kashmir problem as a live issue, let alone to bring about a satisfactory solution.

There exists one obvious analogy for this particular situation.

In 1871, after defeat in the Franco-Prussian War, France lost to Germany the districts of Alsace and Lorraine. It thereupon became the prime objective of French policy to regain these territories, and to this objective all other objectives became secondary. Since Germany held Alsace-Lorraine and showed absolutely no inclination to surrender it, France was obliged to find means to force the matter. Logically, this implied the ultimate possibility of a French attack on Germany to bring about a settlement. Hence it followed that Germany would have to prepare to face a possible military conflict with France. German preparations, however, made it even less likely that French policy would succeed. The French, eventually, were obliged to internationalize the problem, in other words, to seek allies to support them against Germany when the day of reckoning came. In all this the French were consistently more active than the Germans. They were confronted with one of the facts of international life, that possession is just as much nine points of the law between nations as it is between individuals.

The situation of Pakistan *vis-à-vis* Indian-held Kashmir very much resembled that of France *vis-à-vis* German-occupied Alsace-Lorraine. Pakistani statesmen, as had those of France, acquired a sometimes hysterical tone when approaching the question of the disputed territory. As in the case of France, they began to see their entire foreign policy in the light of this single issue. Since the logic of the Kashmir situation led inexorably to the possibility of a solution by force of arms, a solution only postponed by the cease-fire of January 1949, it followed that every act on the part of Pakistan contained within it a threat to India. Hence India, in turn, began to find its diplomacy tied to an issue which, in itself, was really of minor importance to its moral and physical well-being. It too had to prepare for a solution by force of arms: it had to be ready to defend Kashmir as Germany had to be ready to defend Alsace-Lorraine. Bismarck always said that the annexation of Alsace-Lorraine was a mistake, and that he only permitted it since he had to reward his soldiers somehow for their efforts in the war with France. One wonders what Bismarck would have said about Kashmir.

The internationalization and escalation of the Kashmir dispute we must now examine. It was a process in which Pakistan had constantly to battle against the dominating fact of India's possession. For our study of that battle, the Commonwealth Prime Ministers' Conference of January 1951 marks as good a starting-point as any. The Pakistan Prime Minister, Liaquat Ali Khan, attempted to get Kashmir put on the Conference agenda but failed to overcome Indian opposition to the idea. He then faced the choice of either abandoning this opportunity to raise the issue or resorting to drastic measures. Accordingly, he threatened to boycott the Conference if it did not consider Kashmir. The result was an informal meeting at 10 Downing Street on 16 January 1951, when Menzies, Attlee, Nehru and Liaquat Ali Khan considered the matter. The outcome was abortive, Nehru finding no difficulty in rejecting the Australian Prime Minister's proposal that Commonwealth troops might be used to keep order in Kashmir.

The failure of the Commonwealth Prime Ministers to find an answer certainly did not reassure Liaquat Ali Khan, who was already much concerned by Sheikh Abdullah's announcement of the impending Kashmir Constituent Assembly. The Kashmir *status quo* thus being under threat of alteration in India's favour, it is not surprising that tension along the Kashmir cease-fire line should increase to give rise to frequent incidents. In June 1951 the Pakistanis dispatched a brigade to Azad Kashmir. It was in fact a unit returning to its station after a period of rest in Pakistan; but the Indian Government saw it as a sign of Pakistani offensive preparations. They responded with troop concentrations along the West Pakistan border. Such crises had occurred before in 1949-50, when they had given rise to abortive discussions on the possibility of a declaration by the two Powers outlawing war between them, the so-called 'No War' pact. On this occasion, likewise, the crisis produced an exchange of telegrams between Liaquat Ali Khan and Pandit Nehru. The outcome was no solution; but a careful reading of these published communications shows clearly the state of mutual suspicion which existed between India and

Pakistan. Direct negotiations were hardly likely to succeed in this atmosphere.

The main lesson of the Nehru–Liaquat Ali Khan correspondence of 1951 was that by this time the Kashmir dispute and its ramifications had completely dominated the diplomatic thought of both sides. Pakistan could only see Indian policy as a threat to its existence; and India had become obsessed with the fear that Pakistan was planning some military invasion of the territory of the Republic. As an example of this outlook (for which an Indian counterpart could be found without difficulty) it might perhaps be worth quoting a passage in the telegram from Liaquat Ali Khan to Nehru of 26 July 1951. Commenting on the relative armed strengths of Pakistan and India, Liaquat Ali Khan stated:

The strength of India's armed forces at the time of partition was double that of Pakistan. You have since persistently tried to increase that disparity, not only by constantly building up your armed forces but also by attempting to hamstring Pakistan forces by denying them stores which were their rightful share under the Partition Agreement. Pakistan has, therefore, been forced to spend considerable sums on purchase of equipment wrongfully withheld by India. In spite of this, the increases in Pakistan's Defence Budget are less than half those in India's Defence Budget. To suggest, therefore, that you have not carried out a reduction in your armed forces because of Pakistan's actions is a complete travesty of facts. Because of this disparity between the armed forces of the two countries, it is fantastic to suggest that there is any danger of aggression against India from Pakistan. The greater size of India's armed forces, the manner in which they have been used from time to time in neighbouring territory, and the repeated threats to the security of Pakistan by massing of your troops against Pakistan's frontiers can leave no one in doubt as to where the potentiality of aggression lies.<sup>1</sup>

There can be no doubt that here Liaquat Ali Khan was expressing with sincerity his fears. Equally, there can be no

<sup>1</sup> Government of Pakistan, *India's Threat to Pakistan: Correspondence between the Prime Ministers of Pakistan and India 14th July–11th August, 1951*, Karachi 1951, p. 12.

doubt that the fears on the part of India, to which the Prime Minister of Pakistan referred, were also sincerely held. This was a characteristic situation of the Alsace–Lorraine type; and the only way to escape the vicious spiral of mutual distrust was to cut out the basic cancer, Kashmir. As yet no prospect of such surgery is in sight.

Two years later, in 1953–4, we find Pandit Nehru charging Pakistan with aggressive intentions in words which almost echo those used by Liaquat Ali Khan in 1951. In August 1953, and apparently in response to a suggestion by Dr. Frank Graham, Pandit Nehru embarked on a series of negotiations with the recently appointed Prime Minister of Pakistan, Mohammed Ali. One object was to explore the possibility of some kind of partial, or regional, plebiscite in Kashmir. On this point the talks soon reached the usual stalemate; but discussions and correspondence continued until September 1954 before the futility of these proceedings was admitted by both sides. In the breaking off of discussions, however, Pandit Nehru injected a new element into the Kashmir problem which was to become of increasing importance in later years.

In 1953 Pakistan ventured upon a policy of diplomatic association with the United States of America. Pakistan would play her part in the containment of communist power and join the system of alliances devised for that purpose. She would permit the establishment of American bases on her soil. In return, she would receive American military aid. This trend in Pakistani policy had become clear by late 1953; and it was consummated in February 1954 when preparations for a treaty between Turkey and Pakistan (the nucleus of the later Baghdad Pact and CENTO) were announced and when Pakistan publicly requested military assistance from the United States. Later, Pakistan joined the Southeast Asia Treaty Organization (SEATO), thus becoming the crucial link between SEATO and the Baghdad Pact (CENTO, the Central Treaty Organization). As the Baghdad Pact by way of Turkey was also linked with the North Atlantic Treaty Organization (NATO), it can be seen that in the Western containment of the communist

world Pakistan was assigned an important role. It is said that so eager was Pakistan to play the part allotted to it that it even tried to join NATO as well. While it is certain that many Pakistani statesmen were sincerely opposed to communism and all its works and felt sympathy for the foreign policy of John Foster Dulles, yet it is equally certain that the main motive behind Pakistani policy was to be found in Kashmir. Pakistan was seeking American diplomatic and military support not so much against the communists as against the Indians. Her attitude was, at this stage, undoubtedly defensive rather than offensive. In the by no means unlikely event of a major military crisis along the Kashmir cease-fire line she wished for something to offset her weakness relative to India in economic resources and manpower.

Indian leaders had no difficulty in interpreting the new Pakistani foreign policy as a direct threat to their country. As Pandit Nehru put it in a letter to Mohammed Ali on 9 December 1953 (when the details of the negotiations between Pakistan and the United States were still rather vague):

I do not know what the present position is in regard to the military pact of assistance between Pakistan and the U.S.A. But responsible newspapers state that large-scale military assistance and equipment, arms and training will be given to Pakistan by the U.S. It is even stated (*The New York Times* has said so) that an army of a million men may be so trained in Pakistan. No doubt, the United States thinks that these forces may be utilized for a possible war against the communist countries. Some of us differ from them in considering this as a method of ensuring peace. It seems to us rather an encouragement to war. Whatever the motive may be, the mere fact that large-scale rearmament and military expansion takes place in Pakistan must necessarily have repercussions in India. The whole psychological atmosphere between the two countries will change for the worse and every question that is pending between us will be affected by it. We do not propose to enter into an armament race with Pakistan or any other country. Our ways of approach to these international problems are different from those of the nations of Europe and America. But it is

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obvious that such an expansion of Pakistan's war resources, with the help of the United States of America, can only be looked upon as an unfriendly act in India and one that is fraught with danger. . . . Inevitably, it will affect the major questions that we are considering and, more especially, the Kashmir issue.<sup>1</sup>

By March 1954 Pandit Nehru had concluded that the provision of American military aid to Pakistan had changed 'the whole context of the Kashmir issue'. India, he said, must 'retain full liberty to keep such forces and military equipment in Kashmir as we may consider necessary in view of this new threat to us'. Since all the schemes for a plebiscite so far advanced by the United Nations had depended upon some scheme of demilitarization in Kashmir, Pandit Nehru had, in effect, used the change in Pakistani foreign policy as grounds for the rejection, at least for the time being, of the Kashmir plebiscite. Indeed, from this moment it was clear that India had ceased even to pretend to show serious interest in plebiscite projects.

It is not hard to understand, even sympathize with, Indian protests against American military aid to Pakistan. One can appreciate why Pandit Nehru was inclined to discount American assurances (some of which dated back to before the opening of the Nehru–Mohammed Ali discussions) that aid to Pakistan was purely defensive and would on no account be used against India. Yet it must be admitted that the Indian attitude was not entirely logical: for India herself was at that time (and has been ever since) in receipt of large quantities of American economic aid. The fact that India was not actually receiving arms was of minor importance. The aid which she did receive made it possible for her to devote her own resources to defence. It was American aid which enabled India during this period to concentrate on industrialization at the expense of agriculture: her leaders knew that, in the last resort, they could rely on American help to feed the people. The result of this policy has been, in

<sup>1</sup> Government of Pakistan, Ministry of Kashmir Affairs, *Negotiations between the Prime Ministers of Pakistan and India regarding the Kashmir Dispute (June 1953–September 1954)*, Karachi 1954, p. 55.

recent years, the development of a crisis in Indian agriculture of the gravest kind; but, at the same time, Indian industry has been able to produce an ever-increasing proportion of those sophisticated weapons for the supply of which Pakistan must still depend on foreign sources. The food situation in Pakistan, however, is certainly far more satisfactory than it is in India. It is not easy, in the case of India and Pakistan, to decide who has chosen guns and who butter. One thing is certain. Both sides have spent a great deal on guns. Since independence the defence component of the budget in both countries has never dropped below 30 per cent and on occasions it has been as high as 60 per cent. The percentage on defence has tended to be higher in Pakistani than in Indian budgets; but throughout the Indians have spent much more money, their national income being so much greater.

Faced with the Pakistani *entente* with the United States, the Indian leadership sought to restore the balance. In this quest Pandit Nehru seems to have looked in two distinct directions. On the one hand, he now worked with increased determination to establish himself as the champion of the non-aligned States of the Afro-Asian world, the leader of those States who had declined to commit themselves to one or other of the two main power blocs in the Cold War. Pandit Nehru's belief in the philosophy of non-alignment is not open to question. It is worth observing, however, that the majority of the non-aligned powers – China is the great exception – possessed votes in the United Nations; and it certainly had not escaped the notice of Indian diplomats that while these States might be non-aligned in the Cold War, this did not prevent them from aligning with India in the Kashmir dispute. A great jamboree of non-alignment took place at Bandung in Indonesia in April 1955. Pandit Nehru seemed to emerge as the most vocal champion of Afro-Asianism; and Indians, at least, believed that their country had won a position of moral leadership among the uncommitted peoples of the world. There can be no doubt that all this served to strengthen India's hand in Kashmir.

While declaring himself the apostle of neutrality in the Cold

War, Pandit Nehru was certainly not the man to spurn Russian moral support over Kashmir. Shortly after the Bandung meetings, Nehru paid a visit to the Soviet Union. The Russian Press hailed India as a 'bulwark of peace' and described Nehru as 'one of the most outstanding statesmen of the age'. Out of this trip emerged the Indian tour, later in the year, of Bulganin and Khrushchev. The two Russian leaders arrived in Delhi in November 1955 and returned home in December. While in India they made a number of statements on world policy; and they did not overlook Kashmir. Khrushchev visited Srinagar, apparently on his own initiative. Here he announced that: 'The question of Kashmir as one of the constituent States of the Republic of India has already been decided by the people of Kashmir. . . . Facts show that the population of Kashmir do not wish that Kashmir become a toy in the hands of imperialistic forces.'<sup>1</sup> By 'imperialistic forces', of course, the Soviet leader meant Pakistan and her American ally. While it cannot possibly be claimed that by their Indian visit Bulganin and Khrushchev managed to bring India into the Soviet bloc, yet it is undeniable that from that moment onwards India found Soviet support of enormous value in the Kashmir dispute. It was a Soviet veto, for example, which frustrated the Security Council resolution on Kashmir of 1962; and never again was the United Nations able to deal with Kashmir as it had before 1955. Moreover, from this period India began to receive Soviet military aid which served, in some measure, to offset the military aid which Pakistan was obtaining from the United States. The period 1954-5, there can be no doubt, saw the Kashmir dispute being sucked into the vortex of the Cold War. In this issue Pandit Nehru was as much aligned as were the leaders of Pakistan.

American military aid to Pakistan and Russian moral support for India combined to convince Pandit Nehru and his advisers that it was no longer necessary even to pretend to be interested in the various schemes for a Kashmir plebiscite. Moreover, the ratification of the accession to India of the State

<sup>1</sup> M. S. Rajan, *India in World Affairs 1954-56*, London 1964, p. 319.

of Jammu and Kashmir by the Constituent Assembly of that State enabled India to claim that the people of Kashmir had now expressed their opinion, and no further reference to them was called for. In the place of a plebiscite Indian leaders now began to hint that the real settlement of the Kashmir problem lay in partition. What this meant, in effect, was the recognition of the *de facto* frontier along the Kashmir cease-fire line as the *de jure* frontier between India and Pakistan. Pandit Nehru and his advisers must have seen that such an argument had curious implications. It involved, in effect, the surrender to Pakistan of nearly half the area of a State which had legally acceded to India. If the act of accession had so little force that India could be willing to disregard it in this way, then it might possibly be claimed that India, like Pakistan, did not really attach too much importance to the Maharaja's action on 26 October 1947. It might follow from this that there was more in what the Pakistanis had been saying than India was willing to admit.

In order, perhaps, to avoid creating such an impression, by late 1956 the Indian side had put forward, if rather tentatively, an alternative justification for the Indian presence in Kashmir which was not based upon the validity of the Maharaja's act of accession. As Pandit Nehru said in a speech in the *Lok Sabha* in March 1956: 'Even if Kashmir had not acceded to India, it would have been our duty to defend it' against the invading tribesmen. This line of reasoning has been developed in many an Indian official publication on Kashmir in recent years; and a passage from one such document is worth quoting here:

In the absence of accession . . . the Union of India was responsible for the defence and protection of Indian States, since it has succeeded to the British Crown in the same way as the British Crown had succeeded to the East India Company, which in its turn had succeeded to the Moghal Emperor. The United Nations recognized the Union of India as the successor State to the pre-independence Government of India by allowing it to continue its original membership, while admitting Pakistan, on her application, as a new member State.<sup>1</sup>

<sup>1</sup> Government of India, Ministry of External Affairs, External Publicity Division, *Kashmir and the United Nations*, New Delhi 1962, p. 1.

The argument that Pakistan was a new State, while the Indian Republic was really the British Raj without the British, has little basis in the realities of partition in 1947. British India was then cut in two, and both portions had an equal claim to succession to the British. However, before partition the Indian Government did have a delegation, in anticipation of independence, at the United Nations. Rather than insist on the partition of that delegation between India and Pakistan, it was decided to create a completely new delegation for Pakistan and to leave the existing delegation with India. This was a sensible decision which was in no way intended to prejudice the rights of Pakistan. It did, however, nine years after independence, provide Indian international lawyers with a peg on which to hang a case for, in effect, a partition of Kashmir. India would be defending her part, as she had every right to do. For the defence of the other part India would be prepared to hand over responsibility to Pakistan. There would be no more talk of a plebiscite and the *de facto* situation would become *de jure*. The Kashmir dispute would be settled out of court.

Had Pakistan held the Vale of Kashmir and all of Poonch as well as the Gilgit region and most of Baltistan, then it is most likely that such a solution would have been acceptable to her and she would not have struggled too strenuously to gain Jammu and Ladakh. Jammu by 1956 must have had an extremely small Muslim majority, if any; and Ladakh was overwhelmingly Buddhist. In neither region could the 'two-nation' theory have obvious application. However, with India controlling the Vale and the bulk of the Muslim population of the State, any proposal for giving the 1949 cease-fire line legal permanence could not be accepted in Karachi.

Pandit Nehru himself evidently had little faith in arguments about Kashmir which were not founded on the legality of the Maharaja's accession. Indeed, as the Kashmir dispute wore on he seemed disposed to widen the implications of that accession. What exactly was the Kashmir State which joined India on 26 October 1947? Did it include such regions as Chitral? Nehru decided that it did. Chitral, he declared in May 1956,

*Plebiscite and the Cold War, 1951 to 1957*

had come under Kashmiri suzerainty in 1876. Since that date the ruler of Chitral had sent annual tribute to the Maharaja of Kashmir. Because Kashmir's accession in 1947 had involved 'the entire territories within the suzerainty of the Maharaja', then surely Chitral should be Indian too? So also, Nehru added, should be such petty States as Hunza and Nagar. Perhaps, by enlarging at this stage the scope of the Kashmir issue to include Chitral, which lay along the Afghan border and dominated Pakistan's north-western corner, Nehru was hoping to make the plebiscite less attractive in Karachi. After all, if Chitral really was part of Kashmir, and if Pakistan did lose the plebiscite as it was then envisaged by the United Nations, then the consequences would be even more disastrous. It is possible that here was another Indian argument for the recognition, at any rate tacitly, of the cease-fire line as the legal boundary.

# 7

## *China and the Road to War*

*1957 to 1965*

By 1956, though this was not made public at the time, Kashmir was becoming involved in the Cold War in yet another way. Already the United States and the Soviet Union were interested in the dispute: now it became an object of Chinese concern as well. During the course of the Chinese Communist conquest of Tibet in 1951 a Chinese army crossed into Western Tibet from Sinkiang by way of the valley of the Karakash River. This route, the Chinese discovered, provided the easiest land communications between their Central Asian possessions in the Tarim basin and on the Tibetan plateau. Accordingly, they resolved to construct a motor road along the trace which their troops had already pioneered. Work on the road, which began shortly after 1951, was completed by 1956. Some news of the project reached the outside world. In 1956, however, it would seem that no one in India knew the exact course of the Chinese road. It was not until 1957 that it began to become clear that the road crossed a tract of mountain and high plateau usually shown on Indian maps as being part of the Ladakh district of Kashmir. By 1959, in combination with the Tibetan revolt leading to the flight to India of the Dalai Lama and with arguments over the Sino-Indian border in Assam (the so-called McMahon Line), the Chinese road had helped to bring about a drastic change in the nature of relations between the Republic of India and the Chinese People's Republic. It is not our purpose to discuss here the history of that change; but some reference to it is unavoidable because it had

the profoundest consequences for the future of the Kashmir problem.<sup>1</sup>

The Chinese road ran southwards from Khotan in Sinkiang along the valley of the Karakash River which brought it to the Aksai Chin desert, a desolate tract of highland on the extreme western edge of the Tibetan plateau. It then crossed the Aksai Chin to Rudok and Gartok, the main centres of Western Tibet. Finally, it met the upper Tsangpo, which valley it followed eastwards to Shigatse and Lhasa in Central Tibet. For a portion of its length, between the Karakash and Rudok, the Indians concluded that the Chinese road trespassed on their territory. Indian arguments to this effect, however, are not entirely convincing. Considerable doubt exists as to the exact whereabouts of the Indian border in northern Ladakh; and there is some evidence of weight that the Chinese road ran entirely through territory which might legitimately be regarded as Chinese.

To the British during the second half of the nineteenth century the north of Kashmir came to be considered an essential barrier against Russian advance. While, except in the Gilgit region, the British kept their intervention in Kashmiri affairs to a minimum, yet they made sure that the State acquired boundaries which gave to its British protectors important strategic advantages. Thus they maintained that the Mir of Hunza, the ruler of one of the hill States in the Gilgit area, possessed certain rights in the districts of Raskam and the Taghdumbash Pamir which lay on the Sinkiang side of the main Indus–Tarim watershed in the Karakoram; and thus they showed great interest in the Maharaja of Kashmir's claims to territory beyond the Karakoram Pass in northern Ladakh. These last claims of the Maharaja were shadowy indeed, being based on the establishment in the 1860s of a Kashmiri fort at Shahidulla on the lower Karakash River in Sinkiang during a period of Chinese collapse following the rebellion of Yakub Beg. By the

<sup>1</sup> I have discussed elsewhere the problem of Sino–Indian relations and the border question. See Alastair Lamb, *The China–India Border: the origins of the disputed boundaries*, London 1964; and *The McMahon Line, a study in the relations between India, China and Tibet, 1904 to 1914*, London and Toronto 1966, 2 vols.

1870s the Shahidulla fort had been abandoned, and it was never to be reoccupied by Kashmir. However, the claims to this region at times suited British strategic thinking, and for this reason they are still to be found on some modern maps.

In 1899 the British, in the hope that they might obtain a settled boundary with China in this region, abandoned their claims to territory north of the main watershed. The alignment of border which they then proposed, in a British note to the Chinese Government of March 1899, in the Aksai Chin region would have left in Chinese hands the tract through which the Chinese Communists, more than half a century later, were to build a motor road. Subsequently, however, the British came to the conclusion that they could not afford this generosity. When, in 1912, it seemed as if the Chinese Revolution would provide the occasion for a Russian occupation of Sinkiang, the Indian Government expressed great interest in Aksai Chin. It argued that the Chinese had never accepted formally the 1899 boundary proposals. The British, therefore, were free to change their mind about the alignment of their northern frontier. Hence, in March 1914 during the Simla Conference between China, India and Tibet, the Aksai Chin region was tacitly transferred from Sinkiang to Tibet. The Chinese were not, in fact, informed of this transaction since it was then the policy of the Indian Government to treat Tibet in as many ways as it could as an independent State. Unlike Sinkiang, Tibet was protected against Russian influence by treaty (the Anglo-Russian Convention of 1907); and this fact seemed sufficient to keep the Aksai Chin out of Russian hands should that Power establish a foothold in Sinkiang. Russian control of the Aksai Chin, of course, would have been a serious menace to British influence in Ladakh, indeed in the whole of Jammu and Kashmir State. In 1927 there is evidence to suggest that British policy once more changed course and Aksai Chin reverted to Sinkiang. During this period Sinkiang was under a strong anti-communist régime. In the 1930s, with the pro-Russian warlord Sheng Shih-tsai in control, the British once more decided that they could not afford to ignore Aksai Chin. In about 1935 or 1936, presumably at the

same period as the Gilgit lease, they put Aksai Chin within the limits of British India.

It should be emphasized that these changes in the ownership of the Aksai Chin were theoretical rather than practical. There were no permanent inhabitants there and the British had carried out no administration whatsoever in this region since the 1870s. Much of the survey which has been carried out here was the work of the Sino-Swedish Expedition, a body led by Sven Hedin in close collaboration with the Chinese authorities. British patrols never ventured into a tract which was only visited by nomads originating, in the main, from the Chinese or Tibetan side. The theoretical nature of the British claim to the Aksai Chin plateau has resulted in wide variations in the British Indian border shown on maps. One can find modern maps which show the extreme British claims and which place Shahidulla (a Chinese post in 1927) within India. One can produce other maps of recent date which show the 1899 proposals as constituting the border. In the 1950s the Indian Republic produced its own idea of the border, which certainly agreed neither with what was generally shown on respectable British maps (i.e. *The Oxford Atlas*) nor with what Kashmiri leaders themselves claimed. Most maps of Kashmiri origin, such as that printed by Prem Nath Bazaz and P. L. Lakhanpal, show the entire Karakash Valley in China, while recent Indian official maps claim the upper part of the Valley. We have already noted that in Indian official eyes Kashmir occupies some 2,000 square miles more territory than the Maharaja's Government could bring itself to claim.<sup>1</sup>

Quite why the Indian Republic made a cartographic claim to Aksai Chin in the period 1954-6 is not clear. Perhaps the Indian Ministry of External Affairs was still influenced by the strategic outlook of Sir Olaf Caroe and his disciples, British officials who in turn had been revivers of the late nineteenth-century defence concepts of Sir John Ardagh. In terms of policy, however, the claim to Aksai Chin no longer made sense. The rise of Communist China had ended once and for all any

<sup>1</sup> See p. 17 above.

Russian threat to India via Sinkiang, had such a threat ever existed. In the prevailing atmosphere of Sino-Indian friendship the danger of Chinese invasion could hardly have seemed great. Moreover, by their occupation of Tibet the Chinese had well and truly outflanked the Aksai Chin barrier. Indian claims to this tract, across which the Chinese had already established an important line of communication, could only serve to disturb the smooth course of Sino-Indian friendship which was such an important component in Pandit Nehru's policy of non-alignment.

Once having made this claim, which seems to have been done before New Delhi had discovered exactly where the Chinese road ran, the Indians undoubtedly found their hands tied. While the Aksai Chin was absolutely valueless to India, yet India could not accept Chinese ownership of it without making suitable cartographical acknowledgement. Any change in the Indian map would hardly escape the sharp eyes of Pakistani officialdom, ever on the watch for any signs of an Indian intention to alter the status of Kashmir. The Indian agreement to a Chinese Aksai Chin could have been interpreted in Karachi as an Indian cession of Kashmiri territory. If India could let go of one bit of Kashmir to China, it might well be argued, why could she not let go of another bit to Pakistan? There can be no doubt that the Kashmir dispute did not simplify the Indian approach to Sino-Indian relations. By 1959, of course, the possibility of a simple solution to the Aksai Chin problem, which had existed in 1956-7, had disappeared. Indian public opinion had been outraged by Chinese policy in Tibet to a degree which made realistic Sino-Indian negotiations impossible. Nor, it must be confessed, did the tone of voice adopted by Chinese statesmen, a species not given to excessive tact, help matters. In 1959 there were armed clashes between Indian and Chinese patrols both in Ladakh and along the McMahan Line in the Assam Himalayas. These were the prelude to the greater crisis which was to erupt in late 1962. It was a crisis which involved closely the Kashmir dispute.

The decay of Sino-Indian friendship which was so accel-

erated from the late 1950s onwards took place at a time when some signs could be detected of an improvement in the general atmosphere of Indo-Pakistani relations. No doubt the Chinese danger now made the good will of Pakistani a more valuable commodity in the strategic thought of New Delhi than had hitherto been the case. It is clear, however, that the major factor was the assumption of the Presidency of Pakistan by General Ayub Khan in 1958. President Ayub was able to give his country's foreign policy a flexibility and rationality which it had hitherto lacked; and it is difficult to blame him for his failure to bring about a lasting *rapprochement* with the Indian Republic.

Under President Ayub progress was made towards the settlement of a number of problems arising from defects in the process of partition in 1947. From the first days of independence, for example, there had existed the need for a negotiated division of the water supply of the Indus basin. Pakistan in the west depended entirely upon the Indus and its tributaries for her irrigated agriculture. Some of the Indus tributaries, like the Sutlej, Ravi and Chenab, flowed through India before entering Pakistan; and Indian canals took off much of the water at the expense of Pakistani canals. Control over these rivers and canals gave India the power of life and death over much of West Pakistan; and in 1948, when she cut off for several weeks the water supply to the Lahore region, India showed that she might in certain circumstances exploit this power. Pakistan could never really feel herself safe from Indian attack so long as the water question remained unsettled. As a result of negotiations between India and Pakistan under the auspices of the World Bank during 1958 and 1959, real progress was made towards a solution. The waters of the Indus basin were to be partitioned. The Sutlej, Beas and Ravi would go to India: the Chenab, Jhelum and Indus would go to Pakistan. Such a division would only work in practice if it were accompanied by an elaborate programme of link canal construction to bring water across to the eastern side of the Pakistani Panjab to make up for water now permanently lost to India. A treaty along

these lines was signed by Pandit Nehru and President Ayub at Karachi on 19 September 1960.

Another problem of partition had been the precise definition of the boundaries between India and both East and West Pakistan. The original process of dividing up the subcontinent had been carried out in great haste in 1947; and it had not left the borders so clearly defined for all their length as to prevent disputes from arising from time to time. The majority of these border problems were concentrated along the partition line between East Pakistan and India, especially in Assam; but there were problems along the India–West Pakistan border as well, and one of these, relating to the Rann of Kutch, was to blow up into a major crisis in 1965. Throughout the 1950s there had been incidents along these borders giving rise to spasmodic attempts at negotiated settlement. Only with the coming to power of Ayub Khan, however, did a lasting settlement appear to enter the realm of practical politics. Discussions in New Delhi in September 1959 between Pandit Nehru and President Ayub were immediately followed by detailed negotiations between Sardar Swaran Singh, the Indian Minister of Steel, Mines and Fuel, and Lt.-Gen. K. M. Sheikh, the Pakistani Minister of the Interior. An agreement was signed in early 1960.

The settlement of some of these minor boundary disputes between India and Pakistan, while by no means complete – it did not, for example, cover the Rann of Kutch – yet to the optimistic might have suggested that there was still some hope for a mutually satisfactory agreement over Kashmir. Very promising in this respect was the question of Berubari, which involved the cession to East Pakistan of a small tract of territory, perhaps five square miles in all, in West Bengal. In the face of considerable opposition by the West Bengal Government, Pandit Nehru persuaded the *Lok Sabha* to approve this transfer of Indian-held territory to Pakistan. This evidence of Indian readiness to rectify small defects in the 1947 partition might have been interpreted as indicating the possibility of a new Indian approach to the greatest partition problem of them all, Kashmir. In September 1960, while in Pakistan for the sig-

nature of the agreement over the Indus waters, Pandit Nehru seems to have been able to hold amicable discussions with President Ayub on this issue; and for once the Indian approach to Kashmir was not accompanied by public condemnations of Pakistani 'aggression'. Hope, however, if it had existed in 1960, was to be of short life. In Pakistani eyes the Kashmir elections of early 1962 appear to have been taken as convincing proof that, whatever the Indian leaders might say, Indian policy was the steady incorporation of Indian-held Kashmir into the political fabric of the Republic.

Having come to this conclusion, it would seem that President Ayub began to explore a completely new approach to the problem. The Pakistani alliance with the United States had to date yielded no real dividends over Kashmir. In the 1962 Security Council debates, for example, American help had not prevented a Soviet veto. American military aid to Pakistan had in no way served to weaken the Indian hold over the Vale. There appeared, therefore, to be good grounds for looking into a new aspect of the Kashmiri equation, namely China. This move was all the more logical because the Chinese entry on the scene served directly to cancel the value of the American alliance. As Sino-Indian relations deteriorated, so did the United States incline towards counting India as a potential member of the anti-Chinese club. As such, India, far bigger and more populous, could well turn out to be more valuable than Pakistan. It could not have escaped the notice of shrewd Pakistani statesmen like President Ayub that the Chinese factor could align India, if only tacitly, with the West, and that the United States would do nothing to discourage such alignment. Indeed, the more effectively to woo India, it was quite possible that America would cease to show much sympathy for the Pakistani case over Kashmir. In these circumstances it is not surprising that President Ayub decided to improve Pakistan's relations with the Chinese People's Republic.

At the outset the Pakistani overtures to the Chinese were certainly rather tentative and confined to specific issues. Pakistan, in that part of the extreme north of Jammu and Kashmir

State which it held, in the region of Hunza, possessed some 200 miles of common border with China. In 1959 President Ayub was extremely suspicious of Chinese intentions in this quarter. On 23 October 1959 he announced that any Chinese intrusions into Pakistan territory would be repelled by Pakistan with all the force at her command. President Ayub, in fact, had just discovered that the Chinese were no more in agreement with the prevailing cartographical expression of the Sino-Pakistani border than they were with the Sino-Indian border as shown in Indian maps. The problem was the Hunza claims to Raskam and the Taghdumbash Pamir, tracts to the north of the main Tarim-Indus watershed over which the British had retained a theoretical claim for strategic reasons. Unlike the Indians, however, the Pakistani diplomats who studied the question concluded that such claims were not worth fighting for. The British had never administered north of the watershed. In the 1899 proposals to China the British had offered, indeed, to abandon their claims here. President Ayub decided that the Sino-Pakistani border could be negotiated and many of the Chinese claims met without the sacrifice of Pakistani interests. In his warning to China of October 1959, he also proposed such negotiations which, he said, represented 'the way of wisdom'.<sup>1</sup> A border settlement would both be of value to Pakistan in its own right and an excellent occasion to explore the implications of a Sino-Pakistani *rapprochement*.

It was not until May 1962, however, that Pakistan began serious discussions with China on the border question. No doubt Ayub Khan only took this step when he had despaired of any change in the Indian stand on Kashmir. The Indian Government, of course, protested most strongly against Pakistan discussing the Hunza frontier with China since Hunza was part of Kashmir, which it declared was legally Indian territory. As India put it, there was *no* Sino-Pakistani border of any kind. Such protests did not deter President Ayub. By March 1963 the border discussions had given rise to a Sino-Pakistani Agreement in which a sound and fair settlement of the frontier was

<sup>1</sup> *The Times*, 24 October 1959.

laid down. This Agreement, and the negotiations leading up to it, involved, in effect, a Chinese recognition of Pakistan's right to be in control of some at least of Jammu and Kashmir State. It is interesting to note, however, that the Agreement did not state that any portion of Jammu and Kashmir State was actually part of Pakistan. The unsettled status of the region was emphasized in the preamble to the Agreement, which read as follows:

The Government of the People's Republic of China and the Government of Pakistan,

Having agreed, with a view to ensuring the prevailing peace and tranquillity on the border, to formally delimit and demarcate the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of the ten principles as enunciated in the Bandung conference . . . [etc., etc].<sup>1</sup>

The expression 'the contiguous areas the defence of which is under the actual control of Pakistan' is surprisingly non-committal. It looks as if neither China nor Pakistan wished to prejudge the Kashmir question. Perhaps this was in deference to the United Nations, where Kashmir was still, technically speaking, *sub judice*: perhaps it was intended to leave the door open for further negotiations with India.

When, in October 1962, a major crisis developed in Sino-Indian relations which culminated in the Chinese military demonstration in the Assam Himalayas, Pakistan was still not committed to the Chinese side. The clash of arms between China and India in late 1962 provided Pakistan, in fact, with an admirable opportunity to force a Kashmir settlement. This was the time for Pakistan to attack the Indian army of occupation in Kashmir. Indian forces defending the Assam border had suffered a disaster comparable to the British retreat from

<sup>1</sup> Boundary Agreement between Pakistan and China, 2 March 1963, printed in G. V. Ambekar and V. D. Divekar, *Documents on China's Relations with South and South-east Asia 1949-1962*, Bombay 1964, p. 218.

Kabul in 1842. The Indian line in northern Ladakh was under severe Chinese pressure. There were good grounds for supposing that a Pakistani move at this juncture would have brought on an Indian *débâcle* of the first magnitude. President Ayub Khan, however, decided not to exploit this opportunity. Instead, he agreed to begin a fresh round of talks with the Indians on the whole question of the future of Kashmir. Such talks, at ministerial if not at summit level, were also then being urged by Mr. Duncan Sandys and Mr. Averell Harriman on the part of the British and American Governments.

In the face of a certain amount of popular opposition on both sides, talks at a ministerial level between India and Pakistan over Kashmir did begin at Rawalpindi on 27 December 1962. Sardar Sarwan Singh led the Indian delegation and Pakistan was represented by Z. A. Bhutto, the Foreign Minister. In January 1963 the venue of the talks was moved to New Delhi, in February to Karachi, in March to Calcutta, in April to Karachi again, and, finally, in May to New Delhi. In one sense these discussions were rather more realistic than some of the earlier ventures in direct Indo-Pakistani negotiations over Kashmir. Solutions to the problem other than a plebiscite were considered seriously by the Pakistani side. India is said at one point to have offered to cede to Pakistan all of Kashmir which Pakistan then actually held with some small tracts of additional territory in Kashmir Province and Poonch so as to straighten out the border. Pakistan, however, refused to accept any partition scheme which did not give her the entire Chenab valley in Jammu: though she was prepared to give India temporary transit rights through Jammu so as to be able to continue contesting Ladakh with the Chinese. India had no difficulty in rejecting this proposal.

By late May it had become abundantly clear that Indo-Pakistani discussions would produce no answer for Kashmir at that time. The possibility of a mediated settlement, moreover, was effectively ruled out by both sides. It is possible that a real chance of settlement, albeit a slight one, may have existed in late 1962 when Indian leaders were still shocked by their defeat

in the Himalayas by the Chinese, as Kingsley Martin observed in an unusually perceptive article in the *New Statesman* of 14 December 1962. By the middle of 1963, however, this chance had disappeared. Mutual Indo-Pakistani suspicions, instead of abating had in fact increased to a critical point.

As a result of the Chinese attacks India began receiving large, though unspecified, quantities of arms from the British and the Americans. India claimed that this help was needed to defend herself against Chinese aggression. In America and Britain it was fashionable to see the Chinese as harbouring aggressive plans in a number of directions; and there can be no doubt that many Western statesmen really believed in a 'Yellow Peril' across the Himalayas. President Ayub Khan did not. He pointed out on several occasions that the Indians had more or less brought on the Himalayan crisis of 1962 through their own folly. Instead of dealing with the Sino-Indian border as the subject of a genuine difference of opinion between two great Powers, the Indian leaders frustrated all genuine negotiations by their declarations of absolute right. Having convinced themselves that their own case was so completely sound as to preclude the possibility of any compromise, they then initiated during 1962 a series of military probes towards and through the Chinese positions both in Ladakh and along the McMahon Line. Eventually the Chinese, their patience exhausted, replied with a massive military demonstration. Once they had made their point in the Assam Himalayas, they withdrew unilaterally. President Ayub undoubtedly had a point when he observed that unilateral withdrawals are not the usual symptoms of aggression. By the end of 1962, with the Chinese forces brought back once more behind the McMahon Line, the only Chinese 'aggression' which could be pointed to was the advance of Chinese posts in the desolate wastes of Ladakh; and there could be little question that this was a defensive measure designed to frustrate a new Indian 'forward policy'. To President Ayub the Chinese threat to India was something of a myth, and he believed that the Indian leaders knew it. Why then did India seek so desperately for foreign arms? The answer was clear. The

arms were intended for use against Pakistan. As President Ayub pointed out, even at the height of the crisis the bulk of the Indian Army remained in positions along the Pakistan borders.

President Ayub's arguments cannot be dismissed out of hand. The Chinese did have a case, and not always a bad one, about their border with India. The Indian side had made absolutely no effort to consider the Chinese case on its merits. Indeed, they had answered it with much information which the student of the history of the Sino-Indian border will have little difficulty in seeing was false. Moreover, orders to the Indian army to expel the Chinese from Ladakh and from positions which were probably north of the McMahon Line had been issued before the Chinese attacks of October-November 1962. No secret of this had been made. The Chinese in late 1962 were certainly responding to Indian pressure and had no thought of an invasion of India. They were not, as some alarmist British observers – Sir Percival Griffiths for one – said at the time, aiming to capture the oilfields of Assam. For all this, however, it seems unlikely that the Indian leadership exploited the Chinese threat solely as a means to gain military aid against Pakistan. The truth is that Pandit Nehru and his advisers allowed the Chinese situation to get out of control; and, having done so they panicked. It has subsequently been revealed, for instance, that at the height of the Chinese advance in the Assam Himalayas Pandit Nehru appealed desperately to the United States and Britain for fifteen bomber squadrons to attack the Chinese forces then sweeping down towards the Brahmaputra valley. Having panicked, the Indian Government quite naturally was reluctant to advertise the fact. It continued, therefore, to prepare for the Chinese threat long after that threat had disappeared; and in process of time it seems to have convinced itself of a continuing danger from China. Indian ministers ever since December 1962 have been wont to talk about Chinese hordes massing beyond the Himalayas, much as some British strategists in the nineteenth century used to imagine great Cossack armies preparing to overthrow the British Raj.

<sup>1</sup> *The Times*, 5 December 1964.

In these circumstances Indian leaders, and the Indian public whom they had informed, did not relish President Ayub's scepticism. Even less did they welcome the practical demonstration that Pakistan could come to terms with China where they had failed. The announcement of the Sino-Pakistani Border Agreement of March 1963 gave rise to bitter resentment in New Delhi and, it is probable, contributed as much to the failure of the 1963 negotiations on Kashmir as did Pakistani suspicion of the motives behind the Indian acceptance of military aid from America and Britain. In this atmosphere of mutual distrust the Indian side proceeded to usher in the next phase of the sorry Kashmir story.

As we have already seen in a previous chapter, in October 1963 the retiring Prime Minister of Kashmir, Bakshi Ghulam Mohammed, announced some changes in the State's Constitution which were to come into effect in February 1964. The Kashmir Government would be brought more closely into line with the Governments of the other States within the Indian Union and a more direct system of elections for Kashmiri representatives to the Indian Parliament would be instituted. It was clear that Article 370 of the Indian Constitution, which provided for a special status for Kashmir, was now under considerable pressure; and to observers in Pakistan, like President Ayub Khan, it appeared to be India's intention to go ahead and incorporate Kashmir, lock, stock and barrel, into the Indian Union. Pandit Nehru, in a speech in the *Lok Sabha* of 27 November 1963, rather confirmed such impressions. He said that a 'gradual erosion' of Article 370 was now in progress, and he approved of what was happening though he felt that the initiative should come rather from the people of Kashmir than from the Government of India. In fact, however, there can be no reasonable doubt that the policy announced by Bakshi Ghulam Mohammed had full Indian approval; and both in Pakistan and in Indian-held Kashmir it was seen as a declaration of Indian official policy.

Pandit Nehru and his advisers must have expected protest from Pakistan against the proposed changes in Kashmir. It is

unlikely, however, that they anticipated the outburst of protest within Kashmir itself, protest which was sparked off by the crisis of the theft of the hair relic in late December 1963. The events in Srinagar and Jammu during December 1963 to March 1964, so clear a demonstration of the inability of India to win mass support from the Kashmiri Muslims, seem to have impressed Pandit Nehru more than anything else that had taken place over the previous sixteen years of the Kashmir dispute. The communal protests in Kashmir, moreover, had their immediate impact on Hindu-Muslim relations outside Kashmir in both India and Pakistan. On 6 January 1964 anti-Muslim riots broke out in Calcutta of a gravity such as to invite comparison with the great Calcutta massacres on the eve of independence. In East Pakistan in the Khulna and Jessore districts there were anti-Hindu outbreaks, though on a lesser scale to what was going on in West Bengal. The Indian leadership were horrified at this turn of events which threatened, so it seemed, to build up into a repetition of the 1947 bloodbaths. The immediate result was the decision to release Sheikh Abdullah, the only leading Kashmiri politician with a mass following, and to permit him to open discussions not only with the Indian Central Government but with the Pakistani authorities as well. Sheikh Abdullah's attitude was clear enough. 'No solution,' he announced on 7 May 1964, 'will be lasting unless it has the approval of all the parties concerned, namely India, Pakistan, and the people of Kashmir.' Pandit Nehru now seemed to be of like opinion; and for the first time he appeared to be willing to admit in public that Pakistan did possess a genuine right to be interested in the future of Kashmir.

There was a real chance that Sheikh Abdullah's efforts would lead to the opening of summit talks between President Ayub and Pandit Nehru in a more promising atmosphere than had been seen since the Kashmir problem began. Pandit Nehru at this late stage, there is much evidence to suggest, realized that the reiteration of the moral rightness of the Indian case was unlikely to bring about any solution to a problem which was

draining the economies of both India and Pakistan and pushing the two nations ever nearer the brink of war. A number of influential voices were at this time urging that India would show her adherence to international morality less by obstinacy than by negotiation. One such spokesman was Jayaprakash Narayan, the veteran leader of the Praja Socialist Party, who saw Kashmir as 'a moral and a political issue' and not as a dispute over legal technicalities. It was a question which would never be settled by the winning of debating points.

Jayaprakash Narayan put forward his point of view in two articles, 'Our great opportunity in Kashmir,' and 'The need to rethink', which the *Hindustan Times* published on 20 April and 14 May 1964. He was scornful of the sincerity of much that India had said about the Kashmir plebiscite. As he put it in 'Our great opportunity in Kashmir':

I may be lacking in patriotism or other virtues, but it has always seemed to me to be a lie to say that the people of Kashmir had already decided to integrate themselves with India. They might do so, but have not done so yet. Apart from the quality of the elections . . . [of 1957 and 1962] . . . the future of the State of Jammu and Kashmir was never made an electoral issue at any of them. If further proof was needed, it has come in the form of Sheikh Abdullah's emphatic views who, to put it at the least, is as representative of the people as any other Kashmiri leader. Lastly, if we are so sure of the verdict of the people, why are we so opposed to giving them another opportunity to reiterate it?

Jayaprakash then turned to an argument much exploited by the Indian side against any concessions to Pakistan in Kashmir. Indian apologists from quite an early stage in the dispute claimed that to permit any decision on Kashmir's future to be made on grounds of religion would not only be a victory for the 'two-nation' theory but also would provide the signal for a major outbreak of communal rioting within the Indian Republic; and this would be the prelude to the disintegration of the Indian secular state. But, so Jayaprakash Narayan said:

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Few things have been said in the course of this controversy more silly than this one. The assumption behind the argument is that the States of India are held together by force and not by the sentiment of common nationality. It is an assumption that makes a mockery of the Indian nation and a tyrant of the Indian State.

Jayaprakash Narayan urged, above all, that the Kashmir question be considered by India in the light of not only her own interests but also those of Pakistan. After all, Pakistan actually held nearly one half of the State, and no peaceful settlement of the State's future could possibly be accomplished without the active co-operation of Pakistan. Pakistan was a fact which could not be denied, however much some Indian politicians might dislike it. Moreover:

The history of the post-independence years has proved another incontestable fact, namely, that neither India nor Pakistan can live and grow unless there is friendship and co-operation between them. The lack of such relationship between them has, among other things, upset the power balance in South and South-East Asia, depriving the sub-continent of the role that history and geography has destined it to play. The result was the tilting of the balance in favour of China – a most unhealthy state of affairs.

In conclusion, Jayaprakash Narayan declared that:

The question whether settlement of the Kashmir problem would establish friendship between India and Pakistan may be debated, but it cannot be denied that it will go a long way towards that goal, as also create international conditions that will necessarily promote that friendship. I do fervently hope that our leaders would have the vision and statesmanship that this historic moment demands.

In his second article, 'The need to re-think', Jayaprakash Narayan both clarified his views and answered some of the many outraged criticisms which had greeted 'Our great opportunity in Kashmir'. He made it clear that he was not condoning Pakistani aggression in Kashmir; and he freely admitted that there were moral issues involved on which India should not give

ground. However, the mere fact of the Maharaja's accession to India in 1947 had not ended the Kashmir question in practice: it was absurd, therefore, to treat the matter as if it were for ever closed. As he pointed out:

No matter how aggressively we affirm that Kashmir's accession to India is final and irrevocable, the world does not accept it, the 'Azad Kashmir' area remains under Pakistan, the cease-fire line remains, the two armies remain facing each other, the minorities in both India and Pakistan continue to live in fear, discontent in Kashmir simmers and might have to be put down by force. So, what have we gained, or hope to gain in the future, by our insistent unilateral assertion?<sup>1</sup>

Jayaprakash Narayan concluded with a plea for some kind of negotiated settlement; and that settlement would have to include Pakistan.

There is some evidence that by May 1964 Pandit Nehru, who had become a much changed man in the years following the Indian débâcle under Chinese attack in late 1962, was impressed by the kind of argument which Jayaprakash Narayan was advancing. There *were* other possible approaches to the Kashmir question than the insistence on the absolute rightness of the Maharaja's accession of October 1947. It *was* rather insulting to Pakistan to present her with the cynical offer of the cease-fire line as the boundary. Perhaps some constitutional device might be found which placed some at least of the disputed State of Jammu and Kashmir under the joint supervision of India and Pakistan: perhaps some more realistic scheme for the partition of the State might be worked out. We will, however, never really know what lay in Pandit Nehru's mind at this time. On 27 May 1964 he died.

The passing of Pandit Nehru, we can now see, doomed to failure any attempts at this time to settle the Kashmir dispute. The momentum of the moves then in progress during the last weeks of his life, however, continued for some time. President Ayub Khan paid moving tribute to the departed leader. Lal

<sup>1</sup> Jayaprakash Narayan's two articles have been printed in full as appendices in A. G. Noorani, *The Kashmir Question*, Bombay 1964.

Bahadur Shastri, who took on Pandit Nehru's mantle in June, indicated that the new spirit must go on as a memorial to the departed leader who to many was the very personification of independent India. Amidst expressions of Indo-Pakistani good will preparations were made for a summit meeting between President Ayub and the new Indian Prime Minister, to take place in the autumn of 1964. At the same time Jayaprakash Narayan planned an unofficial good will mission to Pakistan. Jayaprakash Narayan visited Rawalpindi and Karachi in early September. He concluded that the Pakistani stand on Kashmir was not as unbending as it once had been; and he felt that much might come of discussions between President Ayub and Lal Bahadur Shastri. He was, however, to be disappointed. The Indo-Pakistani summit meetings in Karachi in October produced no dramatic announcements. There were expressions of mutual good will, and provision was made for further exploration of the question at ministerial level; but nothing more. The general feeling was that further progress would have to wait until Lal Bahadur Shastri had had time to find his feet and establish his control over Congress.

It is most probable that Lal Bahadur Shastri sincerely desired an Indo-Pakistani *détente* over Kashmir. It seemed, however, that he was not strong enough to bring it about. Ever since the Chinese crisis of 1962 there had been detected an increasingly jingoist voice in Indian political life. It was not only the right wing Hindu parties who deprecated any Indian concessions to India's external foes. In the eyes of these self-proclaimed patriots Pakistan stood doubly damned. On the one hand she stood as the living symbol of the 'two-nation' theory, the challenge to Hindu dominance. On the other hand, she had acted of late as the collaborator with China. Lal Bahadur Shastri evidently concluded that this hostility towards Pakistan was too great to be ignored. By December there were unmistakable signs emanating from New Delhi and Srinagar that a further stage in the integration of Jammu and Kashmir State into the Indian Republic was about to begin. On 4 December 1964 the Government of India announced that

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Articles 356 and 357 of the Indian Constitution, which related to the establishment in certain cases of Presidential rule and to the scope of Indian Parliamentary legislation, would now be applied to Kashmir. It seemed probable that soon Article 370 of the Constitution would be abrogated, thus completing once and for all the accession of Kashmir to India. The announced increase in Indian constitutional powers in Kashmir was greeted with loud cheers in the *Lok Sabha*. There could be no doubt that many Congress supporters felt that Lal Bahadur Shastri's Government had not gone far enough.

In Pakistan this development was interpreted as evidence of Indian treachery. The Indians had now gone back, it seemed, on the tacit understanding of the Shastri-Ayub meetings of October that Kashmir should be put away in cold storage for a while. This was not an opportune moment for such an impression to be created since Pakistan was in the throes of an election campaign in which President Ayub Khan was faced with the by no means insignificant candidature of Miss Jinnah, sister of the founder of Pakistan. President Ayub could certainly not let the Indian action pass without comment. On 3 January 1965 President Ayub won a clear victory in the Presidential election. This gave him the mandate he needed to face the next phase of the Kashmir crisis which was rapidly to lead to war between India and Pakistan.

## 8

### *The Rann of Kutch, War and Tashkent* *1965 to 1966*

By January 1965 it is reasonable to assume that President Ayub Khan of Pakistan had despaired of a negotiated settlement of the Kashmir problem. No amount of Pakistani protest was going to prevent the total integration of Indian-held Kashmir into the Indian Republic. There was a clear need for the rethinking of Pakistani policy towards Kashmir; and President Ayub, after his electoral victory over his opponents who had combined in support of Miss Jinnah, was in a stronger position to advocate new approaches to the Kashmir problem than he had been during the course of 1964. In essence, President Ayub had three choices before him. First, he could continue along the well-trodden path of appeals to the Security Council to bring about a plebiscite. Second, he could try to let Kashmir drop gently out of public view, accepting tacitly that the 1949 cease-fire line would be for ever more the Indo-Pakistani border. Third, he could seek out other means, diplomatic, political and military, to force some settlement.

It had become obvious by 1962, if not earlier, that the United Nations had not the power to reunite Kashmir any more than it could end the division of Korea and Vietnam. Kashmir, like Korea and Vietnam, had become part of the Cold War. President Ayub, moreover, could have been under few illusions as to his ability to persuade his countrymen simply to forget about Kashmir and get on with other business. In East Pakistan, it is true, the Kashmir issue sometimes seemed a trifle remote; but this was not the case in West Pakistan. West Pakistani

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public opinion had been so aroused about Kashmir for so long that any Government attempt to bury the question would almost certainly have serious repercussions. Hence, in fact, President Ayub had no choice but to explore fresh means to keep the Kashmir question open if not to solve it. There existed two obvious lines of approach. First, in some way China could be used to bring pressure on the Indians, and this was a pressure to which New Delhi might show a greater response than it had to the urgings of the United Nations. Second, Pakistan might in some more active way exploit the growing popular disenchantment with Indian control within Indian-held Kashmir. As we shall see, President Ayub appears to have explored both possibilities.

While by the beginning of 1965 the Indian attitude to Kashmir had hardened to a point which made compromise seem most unlikely, yet there were factors in the situation within India which suggested that pressure might yield dividends. The Indian economy was manifestly in difficulties. For the first time since independence the Pakistani Rupee stood higher on the free money markets of the world than did the Rupee of India. Indian industrial development had not been matched by a corresponding increase in agricultural output; and a severe food shortage threatened to give rise to much popular discontent with the Central Government in New Delhi. Moreover, the Indian Republic was about to face the stresses of regional protest against its language policy. On 26 January 1965, Indian Republic Day, Hindi became the official language of the Union. Hopelessly inadequate preparations had been made for this development. The consequences were to be apparent almost immediately, for on 27 January serious rioting broke out in Madras State where Tamil speakers resented the linguistic policy of the Central Government. Disturbances continued throughout February. During January 1965, therefore, it would not have been surprising had the Pakistani Intelligence concluded that Prime Minister Lal Bahadur Shastri was about to face so many internal problems that he would be reluctant to meet a crisis in Kashmir as well, and might be prepared,

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after the application of some pressure, to make significant concessions.

It was possibly in this climate of opinion that President Ayub Khan visited China between 2 and 9 March 1965. The Pakistani leader was enthusiastically welcomed in Peking. Discussions were by no means confined to problems relating to the Sino-Pakistani border in the Karakoram Mountains. President Ayub was reported to have sought Chinese economic aid towards Pakistan's third five-year plan. Joint Sino-Pakistani statements were issued on such subjects as nuclear weapons, colonialism and Afro-Asian solidarity. There was even a joint statement on Kashmir in which

the two parties noted with concern that the Kashmir dispute remains unsolved, and consider its continued existence a threat to peace and security in the region. They reaffirmed that this dispute should be resolved in accordance with the wishes of the people of Kashmir as pledged to them by India and Pakistan.

China, in other words, was now making as clear a declaration of support for the Pakistani position as the Russians had made in 1955 in support of the Indian position. The fact was certainly noted in New Delhi, whence emerged strong protests against 'Sino-Pakistan collusion against India in Kashmir'. Indian diplomats doubtless saw their point confirmed when Abdul Hamid Khan, President of Azad Kashmir, publicly thanked Peking for its support.

It is against the background of this 'Sino-Pakistani collusion' – in which there can be no doubt many Indian leaders sincerely believed – that the crisis in the Rann of Kutch should probably be viewed. During March there had been a number of shooting incidents between Indian and Pakistani troops along the border between West Bengal and East Pakistan, which indicated the state of tension then prevailing. In April there began a series of far more serious incidents on the border between India and West Pakistan in the region of the Rann of Kutch.

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The Rann of Kutch separates Sind in West Pakistan from Kutch State in India. For part of the year it consists of dry mud and scrub. During the monsoon it is flooded. The area of the Rann – a word which means ‘desolate place’ – is vast, one estimate being 8,400 square miles or a tenth of the area of Kashmir. Dotted about the mud flats are pieces of higher ground which become islands during the monsoon, some of which are permanently inhabited. In the dry season the Rann is easily crossed by a number of tracks. In the wet it is an impassable barrier. During British rule there had been a number of disputes between Sind and Kutch State over the Rann, which appears to have had some slight economic value, mainly as a source of salt. The British decided on several occasions that the whole area of the Rann fell within Kutch State, the Kutch–Sind border following the southern edge of the Thar Desert.

After partition Pakistan contested this boundary, maintaining that the Rann was really a sea and that the border between Sind (now part of West Pakistan) and Kutch (now incorporated in the Indian State of Gujrat) should follow a middle line. This argument is not entirely convincing. Pakistan’s claim to the northern part of the Rann, however, should not be dismissed out of hand. The border which the British settled upon between Sind and Kutch was tolerable so long as both regions lay within the same larger political unit. As an international boundary it was quite unsuitable, since it meant, in effect, that the Indo–Pakistani border followed what amounted to a foreshore or beach. As a virtually unpopulated region, there was no good reason why the Rann should not have been partitioned; and such a step would certainly have made Indo–Pakistani relations rather easier. An Indian foothold on the Sind side of the Rann constituted an obvious threat to Karachi, Pakistan’s chief port and largest city and, in 1947, Pakistan’s capital as well. The Radcliffe Commission of 1947 made no ruling on the Rann of Kutch, which became the subject of some indecisive Indo–Pakistani argument in 1956. The fact that a viable border should not have been devised here at the time of partition is

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another example of lack of preparation by the British for independence in the subcontinent.<sup>1</sup>

It is at present impossible to say exactly how the crisis in the Rann of Kutch began in early 1965. The Indian side has claimed that from the beginning of the year Pakistani forces had been patrolling and establishing posts in Indian territory in the Rann, which, of course, was at that season quite dry. Pakistan, on the other hand, has stated that Indian troops suddenly began intruding north of the line which Pakistan regarded as the legitimate border in the Rann. Whoever started it, there could be no doubt that the result was a series of clashes between Indian and Pakistani forces, including tanks and armoured cars, on a scale which had up to that time only been seen in Kashmir. Formations of up to brigade strength appear to have been involved. The Indian side claimed that Pakistan was using in these engagements American made and supplied Patton tanks, weapons which it had been promised would never be used against India. The Pakistan Government denied this allegation, though the Indian Government published photographs which purported to show Patton tanks in use in the Rann.

The real nature of the Rann of Kutch crisis is still not clear. Was Pakistan staking out claims here at this time as an indication of the kind of action she might later take in Kashmir? Was India treating Pakistan to a martial display as a warning against any Kashmir adventures which might at that time be at the planning stage? We do not know. The Rann of Kutch was certainly a battlefield suitable for only the most limited of campaigns. With the coming of the monsoon it turned suddenly from dry ground into a shallow sea. It was a terrain for demonstrations rather than invasions. In the Rann of Kutch affair one has the distinct impression of a reconnaissance in force by both sides, each trying to feel out the other's weaknesses. Nevertheless, the operations in the Rann carried with them the very real danger of a spread of the conflict to other parts of the

<sup>1</sup> For some account of the Rann of Kutch, though very much from the Indian point of view, see Government of India, Ministry of Information and Broadcasting, *Pakistan's Aggression in Kutch*, New Delhi 1965. Appended to this pamphlet is a most useful map.

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Indo-Pakistani border where the monsoon would not guarantee an abrupt termination of hostilities. Rather than risk this, both sides by May were ready for a cease-fire.

British mediation made a cease-fire possible. On 30 June an agreement was signed by India and Pakistan which brought an end to the Rann of Kutch crisis. The *status quo* as of 1 January 1965 would be restored; and both sides would withdraw to positions which they had occupied before that date. Thereupon Indian and Pakistani officials would meet to discuss some permanent settlement of the disputed Sind-Kutch border. Failing agreement, there was to be reference to a tribunal consisting of an Indian member, a Pakistani member and a neutral Chairman to be nominated jointly by the two parties to the dispute. If India and Pakistan could not agree on the Chairman within a specified period, then they would request the Secretary General of the United Nations to make the selection.

The Prime Minister of India, Lal Bahadur Shastri, experienced some trouble in winning parliamentary support for this agreement. Some members of the *Lok Sabha* made speeches of an extremely bellicose nature, urging, for example, the Indian Government to warn Pakistan that another such crisis would see the Indian Army on the march to Lahore and Karachi. President Ayub Khan, while the cease-fire was being discussed, also delivered himself of grave warnings to India that another Rann of Kutch affair would lead to total war. Once signed, the 30 June agreement proved difficult to implement in full; and to date no tribunal has passed judgement on the whereabouts of the rightful boundary between Sind and Kutch. It seemed that, as in Kashmir, the most that India and Pakistan could bring themselves to agree on was a cessation of actual fighting. A full settlement of this kind of dispute seemed to be beyond them.

In Indian minds the Rann of Kutch affair was somehow related to President Ayub Khan's dealings with the Chinese. Parallels were drawn between Chinese moves on the eve of the great Himalayan crisis of 1962 and the actions of Pakistan in the Rann. Many Indians, including Cabinet Ministers, were

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convinced that somehow the Chinese had got at the Government of President Ayub Khan much as Americans are convinced that the Chinese lurk as *eminences grises* behind the Government of Ho Chi-minh in North Vietnam. All this was not entirely rational, but it was easy enough to understand as an inevitable reaction to the Chinese blow to Indian pride of late 1962. In this atmosphere Lal Bahadur Shastri deserves much credit in having been able to convince his own followers of the wisdom of a cease-fire. However, there was a definite limit to Lal Bahadur Shastri's patience; and this limit, while the Rann of Kutch crisis had not yet reached the world's headlines, was definitely passed by Sheikh Abdullah. The result was that at the very moment when a semblance of peace was being restored in the Rann of Kutch a new crisis was developing in Kashmir.

While away on his *Haj* to Mecca, Sheikh Abdullah visited Algiers. Here, on 31 March, he had an interview with the Chinese Prime Minister, Chou En-lai, during which the Kashmir question was discussed and Sheikh Abdullah received an invitation to visit China. Sheikh Abdullah is said to have accepted, but not to have fixed the date. All this was seen in India as evidence that Sheikh Abdullah had now become 'a tool of the Pindi-Peking conspiracy against India', to quote one journal of rather extreme views.<sup>1</sup> It simply could not be overlooked. On his return to India on 8 May, Sheikh Abdullah and his companion Mirza Afzal Beg were arrested and immediately removed to internment in South India. Rioting at once broke out in Srinagar and elsewhere in Indian-held Kashmir. On 5 June the two main opposition groups in Indian-controlled Kashmir, the Plebiscite Front (which supported Sheikh Abdullah's policy) and the Awami Action Committee (which, under the leadership of Maulvi Farook, had broken away from the Plebiscite Front in 1964 and which favoured outright union of Kashmir with Pakistan), initiated a non-violent civil disobedience campaign for Sheikh Abdullah's release. All this indicated an extremely strong surge of popular opinion in Kashmir

<sup>1</sup> *Link*, 11 April 1965.

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Province against the process of the incorporation of the Indian-controlled portions of the State into the Republic and the end of Article 370, a process which had been going on steadily throughout the first half of 1965.

There is some evidence to suggest that by the middle of 1965 there was prevailing within Indian-held Kashmir a situation which could in some ways be compared to that of the autumn of 1947. In the remoter rural districts of Poonch and Kashmir Province opposition to union with India had begun to take the form of armed resistance. The growth of an anti-Indian guerrilla movement was, of course, much encouraged from the Azad Kashmir side of the cease-fire line, whence came not only arms and ammunition but also instructors and volunteers. One immediate consequence was a great increase in tension between the Indian and Pakistani regular forces all along the cease-fire line. The Indians were now on the lookout for parties of 'infiltrators', supporters of the Kashmiri 'freedom fighters' (terminology from other Cold War areas was borrowed to meet the requirements of Kashmir). A major clash between Indian and Pakistani troops guarding the cease-fire line appears to have occurred on 19 May, when over forty Pakistanis were reported killed. Such incidents became ever more common during June and July 1965.

In early August it would seem that Pakistan had made up her mind to intervene on a significant scale in the worsening situation in Indian-held Kashmir. By this date incidents on the Indian side of the cease-fire line had become so frequent as almost to warrant the description of rebellion or civil war. In Azad Kashmir, on the Pakistani side of the line, there was enormous enthusiasm for the Kashmiri 'freedom struggle' which now, after so many years, was beginning to show results. It looked as if what the Azad forces and the Pathan tribesmen failed to do in 1947 might be achieved in 1965. In these circumstances it would have been very difficult for the Pakistani authorities to prevent the Azad Kashmir Government from giving encouragement to its subjects to take part in the fight across the border. Pakistan had always to use a certain measure

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of tact in dealing with the Government at Muzaffarabad. In the event, it is clear that President Ayub had no intention at this juncture of trying to slow down the rate of escalation in Kashmir. It is not clear whether, in August, Pakistani regular troops were joining Azad Kashmiris in infiltrating across the cease-fire line as the Indians claimed; but there could be no doubt that the numbers of people involved were growing larger day by day. One must not be led by expressions of Indian outrage, however, into believing that this process of infiltration represented some kind of clandestine invasion. India never claimed that more than about 3,000 persons had in fact crossed over in this way; and such a force would, in itself, be quite inadequate for the task of expelling the Indian Army in Kashmir with a strength of several divisions.

There are a number of puzzling features about these 'infiltrators' which it is still too early to attempt to solve. Press reports do make it clear that a serious campaign of sabotage and ambush was going on in the Indian-held part of Kashmir by the first week of August. Bridges were being blown up. Police stations were being attacked. Shots were even fired in Srinagar itself. All this the Pakistan Government took to mean that a state of rebellion existed across the fire-line; and on 8 August the 'Voice of Kashmir' radio went on the air to announce the formation of a Kashmir Revolutionary Council to lead a war of liberation from Indian oppression. India, of course, denied that there was any rebellion. She blamed everything on Pakistan who had been committing continuous 'aggression' by dispatching the 'infiltrators', some of which it was said had been identified as Pakistani regular army officers. While India no doubt possessed sufficient force in Kashmir, perhaps as many as 100,000 troops and police in all, to retain control, yet there could be little question that the present situation was unpleasant and that it threatened, if not to drive India out of Kashmir, at least to damage severely the Kashmiri tourist industry. Few foreigners would be willing to spend good hard currency to hire houseboats in the line of fire of Kashmiri snipers.

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The growing Kashmir crisis presented Lal Bahadur Shastri's Government with two choices. It could either bring about a *détente* by opening discussions with Pakistan on Kashmir or it could endeavour to meet force with force, and in the process run the risk of uncontrolled escalation. In view of the opposition to his Rann of Kutch cease-fire, it is clear that Lal Bahadur Shastri felt that he could afford no more moderation at this stage. It is likely that he was under not only political pressure but also pressure from the leaders of the Indian Army to refuse to let Kashmir become another Rann of Kutch. Hence he gave in to the military who saw that the way to stop 'infiltration' from Azad Kashmir and the West Panjab was to advance across the cease-fire line and hold certain key passes. Implementation of this policy began, in fact, on 14 or 15 August with an Indian attack on Pakistani positions in the Kargil sector to the north; but no official announcement of the intention to cross the cease-fire line was made until 24 August when Lal Bahadur Shastri made a statement to this effect in the *Lok Sabha*. By this time it had become abundantly clear that such a policy would be most popular in India, for on 16 August a vast crowd, over 100,000, marched on the Indian Parliament in New Delhi to demonstrate against any more weakness in Kashmir.

The Indian Army appears at first to have concentrated on the main 'infiltration' route in the Tithwal region; and by 25 August it announced that it had effectively shut the door here by occupying certain passes across the cease-fire line. On 26 August Indian forces turned their attention to the salient of Azad Kashmir territory between Uri and Poonch which, by 31 August they had effectively pinched out. Meanwhile there had been fighting and shelling along most of the western half of the cease-fire line. India announced that its operations in Kargil, Tithwal and the Uri-Poonch salient were purely defensive, to shut off the routes used by Pakistani 'infiltrators'. There can be little doubt that this represented a true description of the Indian Army's strategy at this juncture. However, the measures taken were certainly rather violent; and it is open to

argument that India could have coped easily enough with the 'infiltration' problem without tearing up the 1949 cease-fire agreement in Kashmir. Moreover, it was extremely unlikely that the Pakistani military leaders would be prepared to accept the limited objectives of the Indian offensives. In the prevailing atmosphere of distrust they had no choice but to act on the assumption that India was beginning a campaign for the total conquest of Azad Kashmir. Pakistan had to take some counter-measures immediately.

What Pakistan planned to do became clear on 1 September with the opening of a major attack of Azad troops supported by Pakistani regular units including armour. The scene was the Chhamb district, right at the end of the cease-fire line where Jammu touches on West Panjab. The intention was to cut the main Indian line of communications along the road from Pathankot through Jammu to Srinagar by way of the Banihal Pass. By 5 September the Pakistani forces had captured Jaurian and were almost in Akhnur which controlled Indian communications with Uri and Poonch. They were less than twenty miles from Jammu itself. So far the fighting, with the possible exception of the occasional stray aircraft, had been confined to Kashmir. India, now facing a major setback in Kashmir, resolved to spread the conflict to Pakistan proper.

On 6 September, without any declaration of war or other warning, two Indian columns were launched across the international border towards Lahore while a third column later crossed from near Jammu into the West Panjab in the direction of Sialkot. Thus the Kashmir problem at last gave rise to a general Indo-Pakistani war. Pandit Nehru had warned Liaquat Ali Khan in late 1947 that in certain circumstances India might have to take action against Pakistan proper in order to control the situation in Kashmir; but it had taken India eighteen years to make good her threat. On 8 September India further widened the conflict with an attack from Rajasthan directed along the axis Gadra-Hyderabad. These Indian offensives were accompanied by Indian raids on Pakistani air bases. The Pakistanis also resorted to air attacks and they even undertook

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a naval bombardment of an Indian radar station at Dwarka on the Gujrat coast. Pakistan claimed that Indian air raids were carried out against East Pakistan as well as West Pakistan; but India has denied this. The story of the air war is still most confused. However, it remained secondary to the land battles raging on the Sialkot and Lahore fronts. Here, again, the story is still vague. Both sides claimed improbable victories. On balance it rather looks as if a stalemate was quickly reached in which neither side was strong enough to defeat the other. India failed to break through to Lahore. Pakistan failed both to cut the Indian line of communication in Kashmir and to start the long expected tank promenade down the Grand Trunk Road to Delhi.

Within a week it must have been abundantly clear to the military staffs of both India and Pakistan that neither side was going to win an outright victory. Indeed, neither side was seeking the kind of victory which could be gained on the battlefield. India had attacked over the cease-fire line because it felt that the Kashmir situation was getting beyond its control; and its main objective was certainly to stop Azad men from crossing the line. Pakistan was forced to attack because India had already attacked. It is unlikely that the Pakistani planners believed that they could bring about a total expulsion of India from Kashmir. The most that they could have hoped for, and this had been also the objective of Pakistani policy *vis-à-vis* the 'infiltrators', was to keep the Kashmir issue diplomatically alive. It seems reasonable, therefore, to suppose that both sides were really quite eager to obtain a cease-fire if they could do so without appearing to their respective publics to have surrendered to the enemy. They must have appreciated that the longer the fighting went on the more public opinion would be inflamed and the harder would it be to call a halt.

The outside world had watched the mounting crisis between India and Pakistan with ever-increasing alarm. No party in the Cold War stood to benefit at this moment from a major war in the subcontinent. The United States feared the result would be an increasing alignment of Pakistan with China and a

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serious blow to those alliances, CENTO and SEATO, of which Pakistan was a member. The Soviet Union likewise had no wish to see an increase of Chinese strength in the subcontinent: indeed, during 1965 there had been a remarkable thaw in the relations between Pakistan and Russia. The British were much disturbed at the outbreak of war, even if undeclared, between two members of the Commonwealth. Even the Chinese, whom the Indians were inclined to see as the real villains in the melodrama, were extremely reluctant to be dragged into a war with India on behalf of their Pakistani friend. Even the few Afro-Asian States which were prepared to align themselves with one side or the other, like Indonesia with Pakistan and Malaysia with India, did so for reasons quite unconnected with events in the subcontinent; and they stood to gain nothing from an escalating Indo-Pakistani war. Here, indeed, was one of the few occasions in recent history when world opinion was almost unanimously behind a single course of action, namely a cease-fire in the subcontinent. Three main initiatives were made to bring that cease-fire about, those of Britain and the United States, of the United Nations and its Secretary-General U Thant, and of China.

The United States and Britain, two of the principal suppliers of arms to the subcontinent, had an obvious means at their disposal whereby to endeavour to oblige both sides to cease fighting. On 8 September both countries announced a cessation of military aid to India and Pakistan so long as hostilities continued. This would certainly have had an effect in the long run, since the Indians were mainly using British tanks and aircraft and the Pakistanis tanks and aircraft from the United States.<sup>1</sup>

<sup>1</sup> *Newsweek*, under the caption 'Arms: who supplied what', published the following table on 20 September 1965. While perhaps not completely accurate, yet it is probably as good a reflection of the true state of affairs as any.

<i>United States:</i>	<i>India</i>	<i>Pakistan</i>
F86 Sabre jets	0	100
F104 Starfighters	0	50
B57 bombers	0	30
C130 transports	0	4
C119 transports	25	0
Patton tanks	0	200
Sherman tanks	30	0

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With the wastage of operations a critical spare parts situation would soon develop on both sides. However, the action of Britain and the United States did not, in itself, provide the occasion for a cease-fire. Indeed, it was so resented by public opinion on both sides as to increase for the moment the will to fight.

The only outside proposals for a cease-fire which India and Pakistan could accept with honour were those of the United Nations, a body which both sides had recognized as possessing a legitimate interest in the Kashmir dispute. The Secretary General of the United Nations, U Thant, had been watching closely the Kashmir situation since the first days of crisis in August. On 1 September he appealed to Lal Bahadur Shastri and President Ayub Khan to respect the cease-fire line and to arrange for a withdrawal behind it of Indian and Pakistani forces. Both leaders, in effect, rejected U Thant's request. On 6 September the Security Council unanimously resolved that India and Pakistan should be called upon 'to take forthwith all steps for an immediate cease-fire'; and it instructed U Thant to go out to the subcontinent immediately to report on the situation.

U Thant visited Rawalpindi on 9 September and was in

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<i>Great Britain :</i>	<i>India</i>	<i>Pakistan</i>
Hunter jet fighters	150	0
Vampire jet fighters	100	0
Gnat jet fighters	100	0
Canberra bombers	80	50
Canberra photo planes	8	0
Viscount transports	5	0
Centurion tanks	210	0
Stuart tanks	80	0
<i>Soviet Union :</i>		
MIG21 jet fighters	6	0
Ilyushin transports	2	0
Antonov transports	24	0
<i>France :</i>		
Mystère IV jet fighters	100	0
AMX13 tanks	40	0

From this table it would seem that India had done rather better than Pakistan in the matter of military equipment. Both sides, of course, were not supposed to use this material against each other; but both sides, not surprisingly, did so use it.

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Delhi on 12 September. After talks with leaders on both sides he sent letters to Lal Bahadur Shastri and President Ayub Khan calling for a cease-fire to take effect by the early morning of 14 September. India declared that she would be ready for a cease-fire if Pakistan withdrew all her forces from Kashmir and if the United Nations guaranteed that never again would Pakistan commit aggressions. Pakistan said she would agree to a cease-fire if it was immediately followed by a complete withdrawal of all Indian and Pakistani forces from Kashmir, their place to be taken by a United Nations force recruited from Afro-Asian countries which was to prepare for a plebiscite within three months. On 14 September, on the expiry of U Thant's time limit, Lal Bahadur Shastri said that India would accept a cease-fire; but he made it conditional upon Pakistan doing likewise which Pakistan was clearly not prepared to do at this point. U Thant had failed to stop the fighting.

On his return to the United Nations headquarters in New York the Secretary General desperately explored all the means at his disposal to bring about some kind of settlement. On 17 September U Thant suggested to the Security Council that it might consider the use of the powers which it possessed under Article 40 of the Charter which enabled it to order the two parties to desist from fighting, and authorized it to back its demands with force if required. The prospect of the use of United Nations forces in the subcontinent was not welcomed by the Security Council: it was clearly impracticable. On 20 September, however, the Security Council adopted by far the most strongly worded resolution yet to have emerged from the Kashmir story. The Security Council, the resolution began,

*demands*<sup>1</sup> that a cease-fire should take effect on Wednesday, Sept. 22, 1965, at 0700 hours GMT, and calls upon both Governments to issue orders for a cease-fire at that moment, and a subsequent withdrawal of all armed personnel back to positions held by them before Aug. 5, 1965.

This was the first time that the Security Council had ever

<sup>1</sup> My italics.

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demanded that India or Pakistan do something. The resolution concluded with the expression of hope that, once a cease-fire had been secured, the Security Council would be able to carry out useful exploration of possible settlements to the political problem which underlay the present conflict. The deadline for the cease-fire was subsequently extended for a few hours. Both India and Pakistan agreed to stop fighting, and the war came to a halt at 3.30 a.m. Indian summer time on 23 September.

There were a number of reasons why India and Pakistan should agree to a cease-fire at this point. India, basically, was aiming at no more than maintaining her position in Kashmir. She no longer was particularly interested in internationally supervised settlements and she refused to agree that Kashmir was still a proper subject for Indo-Pakistani negotiation. As far as she was concerned the Kashmir issue was now closed. Indian-held Kashmir was an integral part of India. It had become so before the outbreak of fighting and, with the cease-fire it would remain so. Pakistan, on the other hand, was hoping to keep the Kashmir question alive. Quite early in the fighting it must have become obvious that she stood little chance of driving India from the State by force of arms. The Security Council resolution carried within it the implication that Kashmir was still a matter requiring settlement. Such international recognition, partial though it might be, of the Pakistani position was better than nothing; and, perhaps, the practical demonstration of the danger to world peace inherent in the present situation in Kashmir might well lead world opinion to be more forceful in its advocacy of a solution. One imagines that President Ayub Khan hoped that with the cease-fire he had a slightly better prospect of securing a plebiscite in Kashmir than he had in August 1965. The prospect, however, was still very remote. Other things being equal, Pakistan might perhaps have gained from a few more days of fighting and the possibility of a more dramatic repulse of the Indian attacks. One military argument for a cease-fire, it has been suggested, was that Pakistan was rapidly running out of ammunition, spare parts and, above all, fuel for her tanks and aircraft. This is certainly a

possibility. There can be little doubt, however, that the critical element in the decision is to be found neither in the military and political situation nor in the resolution of the United Nations, but in the intervention of China.

Pakistan entered the conflict with India with, in theory at least, a number of allies on her side. She was a member of two multilateral treaty organizations, SEATO and CENTO. The other members of SEATO made it clear to Z. A. Bhutto, the Foreign Minister of Pakistan, that they could not in any way be involved in the Indo-Pakistani conflict. Two members of CENTO, however, Iran and Turkey, while by no means prepared to join the fight on the side of Pakistan, yet were clearly sympathetic to the Pakistani cause. There is some evidence that by the time of the cease-fire considerable quantities of war material from Iran and Turkey were entering Pakistan overland via Zahedan on the borders of Baluchistan. SEATO and CENTO were not, however, in the context of the present conflict the most important friends of Pakistan. China was clearly in a position to make a direct intervention against India; and, in view of the prevailing state of Sino-Indian relations, might well be prepared to take active steps to relieve the pressure on the Pakistani front.

The Chinese did not let Pakistan down; but they intervened in a rather strange way. They avoided any threat of direct involvement in the Indo-Pakistani conflict as such, perhaps because they realized that to do so might lead to rather drastic American reactions. Instead, they exploited one of the many small border questions which had for some years been the subject of Sino-Indian argument, making a minor issue the excuse for an ultimatum to the Indian Government. Since early 1963 the Chinese had been protesting against the Indian erection of 'military structures' on the Chinese side of the border between Sikkim and Tibet at the Nathu La and other passes leading into the Chumbi Valley in Chinese territory. A study of the voluminous and acrimonious correspondence on this question rather

<sup>1</sup> An informant, who was at Zahedan at this time, describes the endless stream of military vehicles heading eastwards from Iran towards Quetta.

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suggests that the Indian Army in Sikkim had established a number of forward defences and observation posts just on the northern side of the crest of the pass. The frontier here had been defined clearly enough by treaty between British India and China in 1890. It followed the watershed. It is possible, even likely, that the Indian positions were just on the Chinese side of the watershed; but, if so, the trespass could only have involved a few square yards at the most of Chinese territory.<sup>1</sup>

During August 1965, as the Kashmir crisis intensified, so did the Chinese begin to deliver increasingly strongly worded protests against this Indian 'aggression'. The Indian Government, evidently reluctant to provoke the Chinese at this juncture, replied in a tone of moderation quite unusual in Sino-Indian correspondence of that period. It denied that there had been any trespass on Chinese territory and, on 12 September, it proposed that a neutral observer be allowed to carry out an inspection on the ground. The Chinese, who had themselves at an earlier stage proposed inspection, now refused to accept anything less than an Indian withdrawal, what India in terms of the Kashmir dispute would have called a 'vacation of the aggression'. On 16 September China delivered an ultimatum to the Indian Government. If the Indians did not dismantle their 'military structures' and withdraw to their own side of the Sikkim-Tibet border within three days, they would face unspecified 'grave consequences'. This ultimatum would expire on 19 September. Just before it did in fact expire the Chinese extended the time limit for a further three days, that is to say to midnight on 22 September. At the same time the Chinese added to their previous conditions the demand that India hand back to China four Chinese frontier inhabitants, 800 sheep and 59 yaks which, it was claimed, India had kidnapped. On 21 September, when it seemed more or less certain that both India and Pakistan would agree to the cease-fire demanded

<sup>1</sup> For some of the earlier correspondence on this question, see Government of India, Ministry of External Affairs, *Notes, Memoranda and Letters exchanged between the Governments of India and China, July 1963 to January 1964, White Paper No. X* and *January 1964 to January 1965, White Paper No. XI*, New Delhi 1964 and 1965.

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by the Security Council, the Chinese began to ease off the crisis by reporting that the Indians had fled from their positions and dismantled the 'military structures' in order to destroy the evidence of their 'crimes'. Thereupon the Chinese tacitly withdrew their ultimatum.

In retrospect the Chinese intervention may perhaps appear ludicrous. There was subsequently to be much merriment in New Delhi about the 800 sheep and 59 yaks. *The Economist* made great fun of the Chinese performance in a leading article entitled 'Thanks for muffing it'.<sup>1</sup> At the time, however, the Chinese threats alarmed India to an extraordinary degree. It may be that fear of a Chinese invasion tied up large bodies of Indian troops away from the Pakistan front. It seems certain that the Chinese intervention enabled President Ayub Khan to agree to a cease-fire from a position which could be made to seem to the Pakistani public to be one of strength, whatever the realities of the situation might have been. Quite what degree of co-ordination there existed between Peking and Rawalpindi at this point it is impossible to say. It is worth noting, in passing, that Marshal Chen Yi, the Chinese Foreign Minister, had discussions in Karachi with the Pakistani Foreign Minister on 4 September, that is to say on the eve of the Indian offensive towards Lahore. It seems likely that some contingency planning was carried out on this occasion. Most foreign commentators have tended to see in the Chinese intervention an attempt to prolong the Indo-Pakistani conflict. In fact, it seems far more likely that it was a means to bring it to a rapid end; and for once the Chinese People's Republic and the Security Council of the United Nations saw eye to eye.

Major fighting between India and Pakistan stopped on 23 September; but the cease-fire line separating the two armies continued for several months more to be the scene of continual incidents which served to keep alive the tensions which had resulted in the September crisis. The war had produced no political settlement: nor had it indicated that such settlement might be secured easily by peaceful methods. It was obvious

<sup>1</sup> *The Economist*, 25 September 1965.

that there were voices on either side advocating a resumption of hostilities.

Both sides, moreover, now felt that they had been deserted or betrayed by many people in their hour of need. For example, the Malaysian representative at the United Nations, Mr. Ramani, a man of Indian origin, in the Security Council debate of 18 September delivered himself of an extremely pro-Indian oration. Pakistan was furious and demanded an apology from the Malaysian Prime Minister, Tunku Abdul Rahman. The Tunku decided to support his old friend Ramani, who had certainly exceeded his instructions. Pakistan then broke off diplomatic relations with Malaysia. While this crisis was developing the Pakistan Foreign Minister, Z. A. Bhutto, was virtually presenting the United Nations with an ultimatum: either a proper discussion of Kashmir was held in the very near future or the Pakistani delegation would be withdrawn. At the same time, in Pakistan there continued to mount a feeling of hostility to Britain and the United States, two Powers who, it was felt, had deserted Pakistan by cutting off arms shipments. India, too, considered that British and American declarations of neutrality were, in fact, declarations of hostility to India, and in New Delhi it was felt that the United Nations would probably continue to show its pro-Pakistani bias by making yet more proposals for a Kashmir plebiscite.

Once the cease-fire had been arranged, in fact, neither those Western Powers usually prepared to offer mediation in the subcontinent, like Britain and the United States, nor the United Nations retained sufficient credit with the two sides to be in a position to do anything further. No Afro-Asian State, for that matter, could do any better. Those that had sided with Pakistan, like Indonesia, were certainly not in favour with New Delhi; and those that had sided with India, like Malaysia, could exert no influence in Rawalpindi. Those that had remained to a greater or lesser degree neutral were regarded with grave suspicion by both sides. The greatest Asian Power of them all, China, having made her gesture now appeared to have retired for the time being from the fray. In any case, China

could make no serious contribution to peaceful Indo-Pakistani discussions. The only Power in a position to do this, in fact, was the Soviet Union.

In the era of Khrushchev, the Soviet Union had publicly declared itself a supporter of the Indian stand on Kashmir. In 1962 a Russian veto had defeated a Security Council resolution on the plebiscite issue. By 1965, and after the fall of the Khrushchev régime, Russian attitudes seem to have changed somewhat. When President Ayub Khan visited Moscow in early April 1965, Kosygin, the new Soviet leader, showed himself far more flexible in outlook on Kashmir than had been Khrushchev. No doubt he was looking for some means of reducing Chinese influence in Rawalpindi. Thus, during the great Indo-Pakistani crisis of August and September the Russians, while in fact suppliers of military equipment to India, yet managed to retain an attitude of neutrality with such skill as to earn the hostility of neither side.

On 20 August the Russian Prime Minister, Kosygin, wrote to both President Ayub Khan and Lal Bahadur Shastri requesting that Pakistan and India should refrain from taking any step which would serve to widen the conflict then developing in Kashmir. On 4 September he urged both sides to agree to an immediate cease-fire and offered Russian good offices for a negotiated settlement between the two nations. At this time both President Ayub and Lal Bahadur Shastri turned the Russians down. Kosygin, however, did not despair. On 17 September he proposed that the Indian and Pakistani leaders should meet at Tashkent or some other Russian city to talk over their differences under his chairmanship. Lal Bahadur Shastri announced on 22 September that he had accepted the Russian offer. President Ayub Khan wrote non-committally to Kosygin on 25 September, expressing interest but clearly preferring that Russian influence should be exerted in the Security Council rather than in direct Indo-Pakistani discussions. Such talks had not been particularly fruitful in the past and President Ayub doubted whether they would be so in the immediate future. When the Security Council, which debated

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Indo-Pakistani relations in late October and early November, showed itself unlikely to produce anything useful on Kashmir – India refused to participate in these deliberations which, she claimed, concerned domestic matters beyond the Council's scope – President Ayub resolved to experiment with Soviet mediation. He had, after all, nothing to lose by it. On 25 November Z. A. Bhutto, then in Moscow, announced that Pakistan had accepted without conditions Kosygin's offer. It was then arranged that President Ayub and Lal Bahadur Shastri should meet at Tashkent in early January. Prime Minister Kosygin would endeavour to steer the discussions into fruitful channels and generally strive to bring about some settlement of the major causes of Indo-Pakistani hostility.

The three parties at the Tashkent conference were all playing for high stakes against the most unfavourable odds. Kosygin, could he but bring about a significant measure of Indo-Pakistani agreement, would have demonstrated beyond question Russia's role as an Asian Power able to deal with other Asian Powers in a manner untainted by colonialist motives. Both President Ayub and Lal Bahadur Shastri, were they to come to any agreement whatsoever, would run the risk of serious protest at home since in both India and Pakistan there was a powerful body of opinion violently opposed to negotiations and urging that the war go on until some more definite conclusion be reached. On the other hand, it was clear that, should the Tashkent talks fail completely, the result might well be such an increase of hostility between the two nations as to make a further outbreak of fighting a virtual certainty.

The Tashkent conference, when it opened on 3 January 1966, appeared to have little prospect of success. The Indian and Pakistani positions were too far apart. By 9 January it looked as if the talks were on the point of collapse. However, suddenly and dramatically on 10 January it was announced that an agreement had been reached. On the following day Lal Bahadur Shastri unexpectedly died. The Tashkent agreement thereby was invested, if only for the time being, with an aura of sanctity which gave it far more effect than might otherwise

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have been the case. There can be little doubt that Lal Bahadur Shastri's greatest contribution to world peace was made at the very moment of his death.

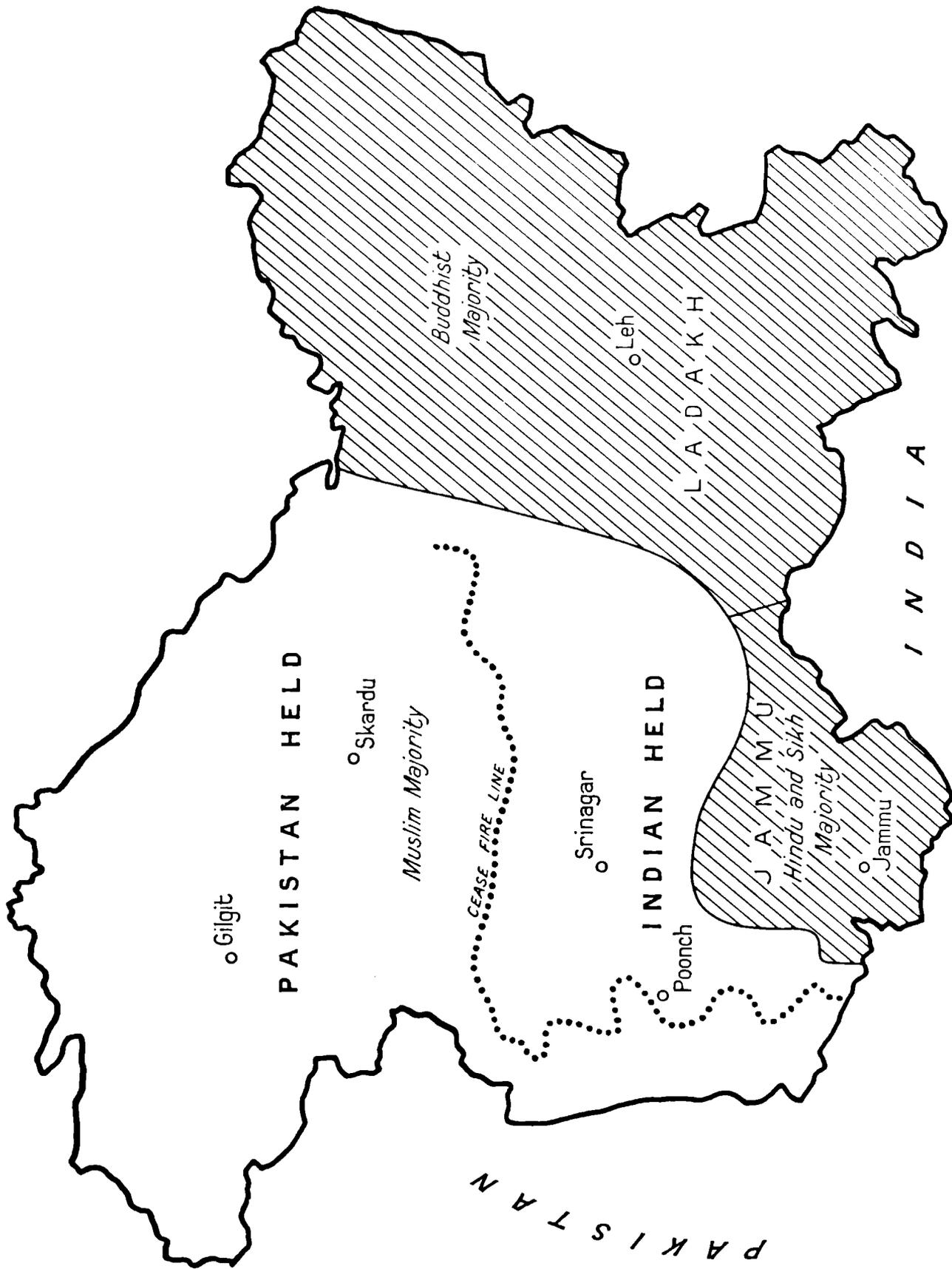
The Tashkent declaration of 10 January 1966 did not deal with the Kashmir dispute other than to note its existence. In effect, it suggested that Kashmir should be put into cold storage while other more urgent problems were being solved. Pakistan and India resolved that their mutual relations should be restored to their normal state. The armies of both sides should withdraw to the positions they had occupied before the crisis began to erupt in August 1965. Full diplomatic relations should be re-established between the two States, and there should be a stop to the hostile propaganda which was then being emitted by both Governments. Prisoners of war should be repatriated. There should be continuing discussions at a high level between the two States 'on matters of direct concern to both countries'. The most urgent item in this declaration, the withdrawal of the armies behind the established international borders and the 1949 Kashmir cease-fire line, was implemented in late February. In March there began meetings at a ministerial level between India and Pakistan to discuss, among other matters, Kashmir.

## 9

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The Tashkent declaration did not, of course, mark the end of the Kashmir problem. Indeed, by mid-1966 India and Pakistan appeared to be no nearer agreement than they had been in 1949 when the first cease-fire was signed. Popular opinion in both Pakistan and India was vehemently opposed to any concessions on Kashmir. Pakistan was still committed to the demand for a plebiscite. India still maintained that there no longer existed a Kashmir problem at all. Indian and Pakistani statesmen and diplomats were soon back to their habitual exchanges of accusations and condemnations. The war of September 1965 had certainly not served to make Indians and Pakistanis love each other more; and the 'spirit of Tashkent' was a phrase of little meaning.

While the war and its aftermath had solved nothing, yet there can be no doubt that it has taught both sides a number of lessons which may be of great importance later on. The army of Pakistan had long been accustomed to declare that it could, given the chance, overwhelm the army of India. One Pakistani soldier, it was said, was the equal of three Indian soldiers. How much this kind of statement was propaganda and how much was actually believed by men in positions of responsibility, it is difficult to say. By the end of September 1965, however, it was clear that the Indian Army was not to be so easily beaten. Moreover, as Indian plans for the increase in armed strength developed, so would a Pakistani victory become even more unlikely. With time, India would be able to rely on her own industrial resources for the bulk of her military equipment. By 1967 or 1968, whatever Lal Bahadur Shastri or his successor



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Mrs. Indira Gandhi might say, there was a very real possibility that India would be an embryonic nuclear power. Kashmir would then stand in the terrible shadow of the mushroom cloud. This challenge Pakistan could not possibly hope to meet on her own; yet she could no longer depend on the United States as she had in the 1950s; and for American military aid China could not provide a really satisfactory substitute. There was more symbol than substance in the five Chinese T-59 tanks which took part in the Pakistan Day parade in Rawalpindi on 27 March 1966.

Purely military logic must have suggested to President Ayub Khan that, if he were to continue to press for a settlement in Kashmir, he would now have to accept something rather less than a plebiscite, something rather nearer the acceptance of the 1949 cease-fire line than any Pakistani statesman had been so far prepared to go. After the war, however, President Ayub Khan had in fact lost rather than gained freedom for manoeuvre. For home consumption the cease-fire and the Tashkent declaration had been interpreted as representing Pakistani victories. How then could they lead to Pakistani concessions over Kashmir? As the London *Times* put it on 7 March 1966:

The hard realities of power on the subcontinent and Pakistan's position in the world may have convinced President Ayub that it is necessary to veer slowly on to a new national tack but, if so, he dare not say as much. In West Pakistan, and especially in Punjab and the frontier, the feeling would be that he was betraying Pakistan as well as Kashmir if he suggested the need for reappraising the Kashmir policy.

It is possible that the Pakistani leadership has seen a gleam of hope in the fact that India, too, has not emerged unscathed from the war. The increased Indian expenditure on defence, begun after the Chinese crisis of 1962 and greatly accelerated during 1965, has begun to have its effects on the entire Indian economy. Indian agriculture has been shown to be quite inadequate to feed the Indian people who now depend on foreign aid to escape famine. A serious foreign exchange crisis has begun

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to eat at those very industries upon which India hopes to base her self-sufficient military production. Economic troubles have produced their crop of political consequences, ranging from riots in Calcutta in protest against food shortages to communal conflicts over a Sikh State in the Panjab and tribal rebellion in Assam. A number of observers of the Indian scene believe that the Republic, that great legacy of the British Raj, is on the point of disintegration. If so, then might not Pakistan yet have hope of a Kashmir solution emerging from Indian chaos?

Prophets of Indian doom have been proved wrong in the past and will no doubt be proved wrong in the future. It would be clutching at straws to base a Kashmir policy on the assumption that India was on the verge of collapse. Those very forces now straining the Indian body politic, indeed, could well tend towards an intensification of the Kashmir problem. In recent years there has been an increasingly powerful body of jingoist – there is no other word for it – opinion at the Indian centre. No Indian Government could today base a foreign policy on Gandhian principles of passive resistance: indeed, no Indian Government ever did; but there used to be a lot of talk about the heritage of the great Maurya king Asoka who forswore war for the paths of peace. In 1961 India undertook the definitely non-Asokan invasion of Goa. In 1965 India turned a localized Kashmir conflict into a major Indo-Pakistani war by her offensive towards Lahore. These acts, forceful, even aggressive, are probably more representative of the realities of Indian opinion than the pious phrases of *panch sheel*, the pentologue of peaceful co-existence, which India used to add as a garnish to her treaties and international declarations. In other words, there has been a force at work in the Indian centre in recent years which has tended towards the exploitation of foreign adventure to conceal domestic failure. The Sino-Indian conflict is to a great extent explicable in these terms. Another great crisis between India and Pakistan over Kashmir might well result in the future from just this process. President Ayub Khan has scant grounds for supposing that Indian internal troubles will serve to distract attention from Kashmir.

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There are many factors behind the Kashmir problem; but there can be little doubt that the most significant has been Hindu–Muslim antipathy. Partition, the *fons et origo* of the trouble, came about because Hindus and Muslims were not prepared to trust each other. Hence in 1947 there came into being an Islamic State, Pakistan, and a Hindu State, India. Using 1956 figures, Pakistan had an 85.9 per cent Muslim population and India had an 85 per cent Hindu population; 10 per cent of the Indian population consisted of Muslims who lived in districts where they were in a minority and were thus debarred, except by migration, from joining Pakistan. Just under 13 per cent of the population of Pakistan consisted of Hindus similarly cut off from their brethren in India. In both India and Pakistan the other communities of the subcontinent, the Christians, Buddhists, Parsis, Sikhs and Jains, form very small minorities indeed. Statistics, therefore, show that Pakistan is predominantly Muslim and India is predominantly Hindu. What does this mean in political terms?

Pakistan has from the outset proclaimed itself an Islamic State. India, on the other hand, has constantly laid claim to the status of a secular state. Do these differences of nomenclature mean very much? An impartial investigation of what really goes on in Pakistan will show that the country lacks many of those elements which one tends to associate with Western democracies like Britain and the United States. It will also be difficult, however, to find in Pakistan many of the elements of what Indian propagandists are wont to describe as a medieval theocracy. Pakistan is less an Islamic State (such as one imagines Saudi Arabia to be) than a State with an overwhelmingly Muslim population. In some respects it should be compared with the Islamic State of Malaya, which no Indian diplomat was ever so rash as in public to call medieval. For an impartial study of the secular nature of India, on the other hand, one need go no further than the brilliant work of Donald Eugene Smith, whose *India as a Secular State* was published in 1963. Smith writes:

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Is India a secular state? My answer is a qualified 'Yes'. It is meaningful to speak of India as a secular state. . . . While there is room for cautious optimism, it would obviously be foolish to think that secularism is so firmly established in India that its future is assured. A war with Pakistan, a flare-up of widespread Hindu-Muslim riots, a more compromising attitude towards communalism on the part of Nehru's successor – any of these possible developments might strengthen the Hindu parties sufficiently to make their challenge to secularism a serious one, if combined with the break up of the Congress monolith.<sup>1</sup>

There are good grounds for supposing that all these trends away from secularism, which Smith described, are now in rapid progress in India.

The truth is that secularism in India has always been more of an ideal than a reality. While the Indian Government under Nehru carried out an attack on some features of Hindu life, notably the caste system, it never attacked Hinduism as such. Its policy might be described as directed towards the modernization of Hinduism rather than its elimination as a political factor. Hinduism, indeed, has remained such a vital component in the structure of modern India that one might be permitted to describe it as the real basis of Indian cultural and political identity. Because India, however, possessed a numerically large Muslim minority, Pandit Nehru felt it essential that the state, though Hindu, was also tolerant. In one sense India under Nehru could be described less as a secular state than as a tolerant state. Perhaps, in time, a tolerant state could become truly secular. At all events, it was essential to keep the religious factor muted. The real nightmare of Kashmir was that it constantly threatened to bring the religious or communal factor to the foreground.

In the first place, any settlement along the lines of a Kashmir plebiscite would from 1953, if not earlier, have involved the likelihood of the transfer of territory, Indian on grounds of technical legality, to Pakistan. The communal Hindu politicians, who from the outset were an important factor in the Indian

<sup>1</sup> D. E. Smith, *India as a Secular State*, Princeton 1963, pp. 499–500.

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political scene, would certainly regard this as an act of defilement of the integrity of the sacred Hindu motherland. This was a matter of *territory* rather than *people*. The people might be Muslim, and the tolerant state would be disposed to heed their wishes, but the land was Hindu. We can detect a similar sentiment over some of the Himalayan tracts involved in the Sino-Indian dispute; and it has been a sentiment of such power as to overrule the dictates of political and diplomatic rationality. Moreover, if India gave way in Kashmir, then there might well be demands for the precedent so established to be applied elsewhere. The Sikhs in the Panjab sought some measure of autonomy. The Nagas and other tribal groups in Assam sought a degree of independence from the rule of the Centre. Even the Hindu populations of the Dravidian south were not entirely happy with their subjection to the control of the Hindi-speaking north. There can be no doubt that in the eyes of Pandit Nehru and his colleagues Kashmir became the symbol for Indian unity just as to some communalist politicians it was the symbol of the integrity of the sacred homeland of the Hindus.

Pandit Nehru, for his own part, appeared to be quite willing to take 1949 as the point at which the borders of the Indian Republic were finally settled. Hence he showed himself prepared to come to terms with Pakistan on the basis of the recognition of the 1949 cease-fire line in Kashmir, perhaps with minor modifications in the interest of practical convenience, as the legal Indo-Pakistani border. From time to time he made rather guarded proposals of this kind. In doing so, however, he did not have the unanimous support of his own Congress Party and faced the opposition of the right-wing Hindu parties. There were many people, both in Congress and outside it, who felt that it was not only in Kashmir that the integrity of the Hindu motherland was challenged. The very existence of Pakistan constituted such a challenge. India should by rights include the valley of the Indus as well as the valley of the Ganges.

It was this wider implication which coloured the initial Pakistani reaction to Kashmir. Pakistan had been borne amidst a bloodbath of communal massacres. Its leaders in 1947 were

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convinced that the Indian Congress had not recognized its moral right to exist and would do its utmost to undo partition. There were many observers at this period, British as well as Pakistani, who felt that in New Delhi partition had not been accepted as a final act. The dispatch of Indian troops to Kashmir in October 1947 was interpreted as the first stage in the Hindu counter-attack against the Muslim League. Partition did not mark the last battle. Kashmir very much lent itself to such an interpretation. Here was a Muslim majority region adjacent to Pakistan. If the principles upon which Pakistan was founded had any validity, Kashmir should go to the new Islamic State. Yet India had acted in Kashmir as if she were the sole heir to British India and in total disregard of the communal issue. In Kashmir the Pakistanis were treated as if they were outsiders with no legitimate rights and interests. If India won in Kashmir, this would certainly mark a setback for the advocates of the right for the 'two nations' of the subcontinent to live apart. Moreover, it was not only at the theoretical level that the Kashmir question posed a challenge to Pakistan. West Pakistan was dependent on the waters of the Indus system. Indian control of Kashmir would mean a potential Indian stranglehold over the very life of Pakistan. The founders of Pakistan had no doubt that India would exploit this potential if she could. The fear has remained with Pakistani statesmen ever since.

The Indian control of Kashmir contained within it another, and more subtle, threat to the future of Pakistan. The state which the Muslim League brought about as a result of partition was something of a geographical monstrosity. Nearly a thousand miles of India separated West Pakistan from East Pakistan. The population of East Pakistan, in race and language, had little in common with that of West Pakistan. The bond between these two regions was religious. If India could challenge the validity of this bond, then one day it was possible that East Pakistan, the eastern half of the British Province of Bengal, would be reunited with the western half of that Province. This, of course, would be an economic as well as moral blow to the Pakistan

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State, so dependent upon the jute exports of East Pakistan for its revenues.

From this analysis it will be seen that the Kashmir issue had become something of a symbol for the survival as united States of both India and Pakistan. The dispute contained within it a challenge to both the Indian Union and the Islamic State of Pakistan consisting of two Wings. It must be admitted, however, that the challenge was greater to Pakistan than to India. While India produced impressive arguments in support of its case, one cannot escape the feeling that all too often they were not the real arguments upon which she operated, and that she was in the last resort inspired more by a desire to undo partition than to preserve her own union. There were graver threats to the Indian Union than Kashmir, threats which the Indian leadership, obsessed with Kashmir, failed to meet in time. India's conduct of the Kashmir dispute, as the events of the first three months of 1966 make clear enough, has not served to strengthen the Indian Union; and it may be argued that it would have been very much in India's interests to have settled the dispute long ago, even if by so doing it was necessary to reaffirm the right of Pakistan to exist as an Islamic State.

This is the real meaning of the plebiscite in Kashmir. Not only would it involve the right of the people of Kashmir to decide their own future, but, by implication, it would be a reaffirmation of the right of Pakistan to exist at all. If there is ever to be any peace in the subcontinent, India must participate in such a declaration. For the last nineteen years, despite token statements to the contrary, Indian statesmen and diplomats have been continually questioning the validity of partition. They deny, for instance, that Pakistan is a successor State to the British Raj. It is, they say, a new State. Somehow, the implication is clear enough, the British Raj in its Indian Republican reincarnation lost territory in 1947 to an alien Power. In other words, at the time of independence there was a kind of repetition of the periodic phenomenon of Indian history, an invasion of foreigners from the north-west. However, as students of Indian history should know, invaders in the past have always been

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absorbed in due course into the Hindu fabric. Pakistan, one day, will follow in the footsteps of the Kushans and the Huns. Why do anything to delay this process? This, at any rate, is how many Pakistanis see themselves reflected in Indian eyes; and New Delhi has not gone out of its way to reassure them.

If there is to be peace in the subcontinent, India and Pakistan must recognize each other's right to existence. So much is beyond question. Is, however, the Kashmir plebiscite the best means to bring about such a recognition? President Ayub Khan has said that 'no right-thinking person can deny that the basic dispute between India and Pakistan concerns the right of self-determination of the people of Jammu and Kashmir'.<sup>1</sup> This is certainly what the Pakistan side has been saying for nearly two decades the dispute is about. In his election manifesto President Ayub declared that 'to continue to strive for the right of self-determination for the people of Jammu and Kashmir' was one of his major intentions; and in this he was echoing what his predecessors had been proclaiming since late 1947. However, it might be argued that the question of self-determination in Jammu and Kashmir was less the cause than the consequence of the problem, which derived from the process of partition in the subcontinent. A Kashmir plebiscite would be a device for the completion of partition rather than an end in itself.

The concept of a plebiscite was injected into the Kashmir problem as a result of the manner in which the Maharaja's accession to India was presented to the rest of the world. Whatever Indian apologists may now argue, in 1947 accession was justified as a temporary measure to cope with a specific crisis; and its permanence required subsequent popular ratification. The plebiscite, in other words, was advanced as a means of resolving the conflict between partition and Paramountcy. Partition decreed that Muslim-majority areas contiguous to West Panjab or East Bengal should go to Pakistan. There could be no doubt that such areas existed in Kashmir, while they

<sup>1</sup> *The Times*, 11 March 1966, letter from A. Hilaly, Pakistan High Commissioner in London, quoting broadcast by President Ayub Khan of 1 March 1966.

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certainly did not in other trouble spots of that time like Hyderabad and Junagadh. Yet, because of Paramountcy, the principle of partition could be completely ignored in Kashmir should the Maharaja so decide. The Maharaja did so decide with fateful consequences. He joined India. This was, in the context of the British legislative preparation for independence in the subcontinent, a perfectly legal act; and it is the keystone of the Indian claim to possession of Jammu and Kashmir State. However, it could be argued that there was a provisional element in the acceptance of the Maharaja's accession to India. By agreeing to the principle, albeit hedged with qualifications, to a plebiscite to ratify accession, the Indian side lent some support to the theory that accession was in some manner temporary. This argument was further strengthened by several United Nations resolutions. Pakistan has adhered to it as the keystone in her case. The sterility of the confrontation of these two arguments, accession and plebiscite, after nineteen years has become all too apparent.

Perhaps a more fruitful approach would have been to concentrate more on partition and less on Paramountcy. Had India been prepared in 1947-8 to accept the full implications of partition and to acknowledge that from now henceforth she would, willy-nilly, have to share the subcontinent with Pakistan, then the Kashmir story would have had a very different outcome. Once it is admitted that Pakistan has a right to exist at all, then it cannot really be denied that she has every reason to be interested in the future of Jammu and Kashmir. On grounds of geography and economics as well as religion this region is closely bound up with West Pakistan. To deny, as so many Indians have done, that such an interest exists is to ignore completely the realities of the situation. It would have been logical in 1947 to consider how the principles of partition could be applied to Jammu and Kashmir State. There is still a good case for doing so in 1966.

Jammu and Kashmir State is in many important respects rather different from the other Princely States of British India. In the first place, as Sir Owen Dixon once observed:

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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 Maharajah. That is the unity it possesses.<sup>1</sup>

It was a unity based on a political philosophy which neither Congress nor the Muslim League in fact accepted. Neither India nor Pakistan has since partition showed any sympathy for the past ambitions of Indian Princes. Why, then, should the expansionist career of the Dogra dynasty be permitted to have such a permanent consequence? Unlike the other Princely States, Jammu and Kashmir continued to expand during the height of British rule in the nineteenth century. No other Princely State actually acquired territory by conquest after the 1820s: yet Dogra rulers of Jammu and Kashmir obtained Ladakh in the 1830s, and Baltistan and the Kashmir Vale in the 1840s. For the rest of the century they continued to nibble away northwards. Some of the acquisitions of the nineteenth century were actually territories which had never been under Dogra rule in the past, and, indeed, had only come under Dogra control because of British actions. There was absolutely no traditional link between the Dogra dynasty and the Kashmir Vale. The union of Jammu and Kashmir was the product of the sale, in 1846, of the Vale to Gulab Singh by the British who had previously taken it over from the Sikhs. It might perhaps have been argued in 1947, had more thought been given to the practical implications of partition, that the 'agglomeration of territories' which made up Jammu and Kashmir State should, in the age of independence, be broken up into its component parts.

In one sense the State had already been partially dismembered by the British long before the time of partition. The Gilgit region in its widest sense, that is to say almost one quarter of the total area of the State, had been under more or less direct British administration for half a century or more. Why the people here should be handed back in 1947 to the

<sup>1</sup> Government of Pakistan, *Reports on Kashmir by United Nations Representatives*, Karachi 1962, p. 34.

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anachronistic and oppressive rule of the Maharaja it is not easy to see; yet this is what the British proposed to do, as they indicated clearly enough when they surrendered the Gilgit lease to the Maharaja. Had it been possible for India and Pakistan to discuss Kashmir sensibly in, let us say, September 1947, it might well have been agreed that, whatever else he might decide to do, the Maharaja could not be permitted to settle the future of Gilgit.

Such Indo-Pakistani discussion could well have settled an even more important issue, the future of the Vale of Kashmir. The sale of the Vale to the Dogras was an act in which even the British took little pride. One of the declared goals of independence in the subcontinent was to end the iniquities of imperialism. Yet from 1947 onwards we find Indian statesmen supporting one of the worst manifestations of British imperial rule in India. In an atmosphere of mutual good will, such as was conspicuously absent in 1947, the leaders of independent India and Pakistan might perhaps have concluded that Dogra imperialism should not outlive the British Raj. A decision on the future of the Vale, of course, would have raised problems quite absent in Gilgit. Srinagar had for some years been the centre of intense political activity and there existed more than one concept as to where the future interests of the Province lay. Neither of the main Kashmiri political parties, however, were in favour of continued rule by the Maharaja. As a stage towards a final settlement the isolation of the Vale from the rest of the State would have had much to recommend it.

Another symbol of Dogra imperialism was to be found in Ladakh. Here again rational discussion might have concluded that Ladakh had as much right to be freed of foreign rule as had the rest of the subcontinent. Presumably, in these circumstances, Ladakh would have ended up in some kind of association with India, perhaps along the lines of the relationship between Sikkim and New Delhi. A strict application of the 'two-nation' theory would certainly have precluded any serious Pakistani claim to interest in Ladakh and its Buddhist population.

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Had an analysis of the problem along these lines been made, then the question of the Maharaja's accession could possibly have been confined to the Dogra heartland of Jammu and, perhaps, Poonch as well. Jammu and Poonch were the traditional territories of the Dogra dynasty whence sprang Gulab Singh, and they represented the extent of Gulab Singh's dominions prior to the conquest of Ladakh in 1834. Had Gulab Singh been a Maratha or a Rajput Prince, with possessions in Central India, this would have been all that he would have been permitted to retain under British Paramountcy. The secret of Gulab Singh's unique success *vis-à-vis* the British lies in the fact that his empire lay on the frontier of the British Raj, for which it provided a convenient buffer. He was, to borrow an expression from British history, a marcher lord; and the State which he built up was an anachronism in the age of independence in the subcontinent. Indeed, Dogra rule came to an end within five years of partition. The cutting down to size of the Dogra State would not, of course, have in itself eliminated the problem of accession. It would, however, have reduced it to proportions more easily managed. Moreover, it is likely that such a joint Indo-Pakistani policy towards the Dogra dynasty would have avoided many of the causes of the Poonch revolt and the tribal intervention.

Of course, the prospect of useful Indo-Pakistani co-operation over anything was extremely remote in 1947. Given the circumstances under which the subcontinent was divided, there was not the slightest chances of joint policy on Kashmir. Speculation as to what might have happened had there been such a joint policy merely serves as an analytical device and a method for getting away from the plebiscite issue. What speculation of this kind does show clearly enough is that there are grounds for considering Jammu and Kashmir State as something other than an indivisible unity: in other words, that arguments could be devised in support of the partition of the State. Such arguments become all the more apparent if one develops yet another hypothetical situation. Instead of supposing realistic Indo-Pakistani discussions in 1947, let us imagine that

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the Government of British India had annexed Jammu and Kashmir State in 1885, as it indeed considered doing. How would this have affected partition in 1947?

One cannot escape the conclusion that a British annexation would have eliminated the problem. Had Jammu and Kashmir State formed part of British India in 1947, it would have without doubt been included in the same process which brought about the partition of the Panjab. In these circumstances all the Gilgit region, all the Vale and all of Poonch would, as Muslim majority areas, have gone to Pakistan. Out of the five Districts in Jammu Province, two, Mirpur and Riasi, would have gone to Pakistan while three, Jammu, Kathua and Udhampur, with Hindu majorities and directly adjacent to the East Panjab, would have gone to India. In the Doda District, between Jammu and Ladakh, Bhadarwah *tehsil* and part of Kishtwar *tehsil* would have gone to India. In Ladakh District it is most probable that the Buddhist region, Ladakh *tehsil* and part of Kargil *tehsil* would have gone to India while Skardu *tehsil* (Baltistan) would have gone to Pakistan. It is not easy to work out exactly what such a partition would involve in terms of area; but perhaps to put the Indian share at 35,000 square miles would be a reasonable estimate.

What would be the result if Jammu and Kashmir State were partitioned along communal lines in 1966? It is not easy to obtain accurate demographic information on Kashmir since 1947; but Indian figures published in 1961 rather suggest that there has been a certain decline in the Muslim proportion of the population in Jammu. It is likely that in 1966 a communal partition would give all five Jammu Districts to India. Otherwise, the situation would be much as has been outlined above.

In one real sense a communal partition of Jammu and Kashmir State would be rather easier to bring about in 1966 than it would have been in 1947. At the time of independence the State was dominated by a political leader, Sheikh Abdullah, who believed in some kind of an association between Kashmir and India, and who had no love whatsoever for the leaders of the Muslim League and the Pakistan for which they stood.

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Sheikh Abdullah probably commanded sufficient support in the Vale at that period to make its transfer to Pakistan almost as troublesome as has been the process leading to its present incorporation within India. While there is no evidence to suggest that in 1966 Sheikh Abdullah wants to join Pakistan, yet there can no longer be much doubt that such a move would be considered preferable to their present situation by the great majority of the State's population.

Sir Owen Dixon in 1950 concluded that the only hope for a settlement of the Kashmir dispute lay in some scheme for partition. Pandit Nehru indicated at various times that he would be prepared to accept a partition, but one based on the 1949 cease-fire line rather than on any communal division. Such proposals have proved quite unacceptable in Pakistan, which has demanded a recognition of the right of the Muslims of Kashmir to decide their own future. Even Pakistan has from time to time hinted at some interest in partition; but always it has insisted on the retention of the bulk of Jammu within its portion. Neither side, however, has so far been able to bring itself to negotiate seriously on a settlement by partition. India remains tied to its claim that the Act of Accession of 1947 was legal and complete. On this basis the only Pakistani right in Kashmir that she can recognize is the right of conquest. This would seem to be the rather cynical implication of Pandit Nehru's proposal that the cease-fire line, with possibly a few minor modifications, become the permanent border. Pakistan is still tied to its demand for a plebiscite for the entire State; and this implies a claim to the non-Muslim districts of Ladakh and Jammu for which it is hard to find any justification in the 'two-nation' theory. So long, however, as India argues that by virtue of the Maharaja's accession in 1947 the whole of Jammu and Kashmir State belongs by right to India, Pakistan has no option but, likewise, to treat the State as a single entity. This is a position which can only maintain the stalemate of the past nineteen years.

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