



Indian Commitments On Kashmir



**INFORMATION DIVISION
TEHREEK-E-HURRIYET-E-KASHMIR**

Tehreek-e-Hurriyet-e-Kashmir

Tehreek-e-Hurriyet-e-Kashmir (THK) came into existence in the year 1990 when the people of Kashmir, launched their marathon struggle against India to achieve their constitutionally guaranteed pledge to grant the people of the state their right of self determination in keeping with the unanimously accepted U.N Resolutions. THK is a grand political alliance of the parties in Indian Held Kashmir. These are the Islamic Students League, Islamic Study Circle, Jamiat Ahle Hadith, Jamaat Islami, Mahz-e-Azadi, Muslim Conference, Peoples League, Tehreek Nifaze Shariat, Dukhtran-e-Millat, Mahaz-e-Islami, Muslim League and Jamiat Ulema Islam.

The THK is the first sincere effort to put new vigour in the peoples' relentless strife against their continues subjugation and create sense of solidarity and spirit of sacrifice to attain the goal of right of self determination. For this purpose, THK is using all peaceful, moral and political means within the frame work of international legality. THK feels that the dawn of independence is near and for this the political leadership in THK and outside has to strive unitedly at all regional and international levels. THK is co-ordinating the efforts of the people of Jammu and Kashmir in their freedom struggle and making efforts to awake the world conscience against the gross violation of human rights by Indian military forces in silencing the Kashmiries into submission.

**TEHREEK-E-HURRIYETE-E-KASHMIR
(Movement for the Liberation of Kashmir)**

INDIAN COMMITMENTS ON KASHMIR

In his letter of acceptance of the illegal, immoral and unconstitutional Instrument of Accession, executed by the fugitive Ruler of Kashmir for State's accession to India, the Governor-General of India, Lord Mountbatten, had made it clear, that:

" In consistence with their policy that, in 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 the question of the State's accession should be settled by a reference to the people". (Mountbatten to Maharaja Hari Singh, 27 October, 1947).

In his telegram to the Prime Minister of Pakistan, the Indian Prime Minister, Pandit Jawaharlal Nehru, said:

" I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public

is that the question of accession in any disputed territory or State must be decided in accordance with wishes of people and we adhere to this view". (Telegram 402 Primin-2227 dated 27 Oct., 1947, to Prime Minister of Pakistan repeating telegram addressed to Prime Minister of United Kingdom).

In another telegram to the Prime Minister of Pakistan, Pandit Nehru said:

" Kashmir's accession to India was accepted by us at the request of the Maharaja's government and the most numerously representative popular organization in the State which is predominantly Muslim. Even then it was accepted on condition that as soon as law and order had been restored, the people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then". (Telegram no. 255 dated 31 October, 1947, addressed to the Prime Minister of Pakistan).

In his broadcast to the nation, Pandit Nehru said:

" We are anxious not to finalize anything in a moment of crisis and without the fullest opportunity to be given to the people of Kashmir to have their say. It is for them ultimately to decide".

" And let me make it clear that it has been our policy that where there is a dispute about the accession of a State to either

Dominion, the accession must be made by the people of that state. It is in accordance with this policy that we have added a proviso to the Instrument of Accession of Kashmir". (All India Radio: 2 November 1947).

In another broadcast to the nation, Pandit Nehru said:

" We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given not only to the people of Kashmir but to the world. We will not and cannot back out of it". (All India Radio : November 3, 1947).

In his letter to the Prime Minister of Pakistan, Pandit Nehru said:

" I have repeatedly stated that as soon as peace and order have been established, Kashmir should decide of accession by plebiscite or referendum under international auspices such as those of " United Nations". (Letter no. 368 Primin date 21 November, 1947, to the Prime Minister of Pakistan).

In his statement in the Indian Constituent Assembly on 25 November, 1947, Pandit Nehru said:

" In order to establish our bonafides, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations Organisation. The issue in

Kashmir is whether violence and naked force should decide the future or the will of the people".

In his statement in the Indian Constituent Assembly, Pandit Nehru said:

" Even at the moment of accession, we went out of our way to make a unilateral declaration that we would abide by the will of the people of Kashmir as declared in a plebiscite or referendum. We insisted further that the Government of Kashmir must immediately become a popular government. We have adhered to that position throughout and we are prepared to have a plebiscite, with every protection for fair voting, and to abide by the decision of the people of Kashmir". (Statement in the Constituent Assembly (Legislature) of India, March 5, 1948).

In his Press Conference in London, Pandit Nehru stated, that:

" India has repeatedly offered to work with the United Nations reasonable safeguards to enable the people of Kashmir to express their will and is always ready to do so. We have always right from the beginning accepted the idea of the Kashmir people deciding their fate by referendum or plebiscite. In fact, this was our proposal long before the United Nations came into the picture. Ultimately, the final decision of the settlement, which must come, has first of all to be made basically by the people of Kashmir and, secondly, as between

Pakistan and India directly. Of course, it must be remembered that we (India and Pakistan) have reached a great deal of agreement already. What I mean is that many basic features have been thrashed out. We all agreed that it is the people of Kashmir who must decide for themselves about their future externally or internally. It is an obvious fact that, even without our agreement, no country is going to hold on to Kashmir against the will of the Kashmiris." (Statement at Press Conference in London, January 16, 1951. *The Statesman*, January 18, 1951).

In his report to the All India Congress Committee on 6 July, 1951, Pandit Nehru said:

" Kashmir has been wrongly looked upon as a prize for India or Pakistan. People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence and its people must be the final arbiters of their future. It is here today that a struggle is bearing fruit, not in the battlefield but in the minds of men". (*The Statesman*, New Delhi, 9 July, 1951).

In a letter to the United Nations Representative, Pandit Nehru wrote:

" The Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations, but is anxious that the conditions

necessary for such a plebiscite should be created as quickly as possible". (Letter dated 11 September, 1951).

Replying to Dr. Mookerji's question in the Indian Legislature as to what the Congress Government going to do about "one third of Kashmir territory still held by Pakistan". Pandit Nehru said:

" Kashmir is not the property of either India or Pakistan. It belongs to the Kashmir people. When the Kashmir acceded to India, we made it clear to the leaders of the Kashmir people that we would ultimately abide by the verdict of their plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir".

" We have taken the issue to the United Nations and even our word of honour for a peaceful solution. As a great nation, we cannot go back on it. We have left the question for final solution to the people of Kashmir and we are determined to abide by their decision". (*Amrita Bazar Patrika*, Calcutta, January 2, 1952).

In his statement in the Indian Parliament, Pandit Nehru said:

" Let me say clearly that we accept the basic proposition that the future of Kashmir is going to be decided finally by the goodwill and pleasure of her people. The goodwill and pleasure of this Parliament is of no importance in this matter, not because this parliament does not have the strength to

decide the question of Kashmir but because any kind of imposition would be against the principles that this Parliament holds.

" Kashmir is very close to our minds and hearts and if by some decree or adverse fortune, Kashmir ceases to be a part of India, it will be a wrench and a pain and torment for us. If, however, the people of Kashmir do not wish to remain with us, let them go by all means we will not keep them against their will, however painful it may be to us."

" I want to stress that it is only the people of Kashmir who can decide the future of Kashmir. It is not that we have merely said that to the United Nations and to the people of Kashmir; it is our conviction and one that is borne out by the policy that we have pursued, not only in Kashmir but every where. Though these five years have meant a lot of trouble and expense and in spite of all we have done, we would willingly leave Kashmir if it was made clear to us that the people of Kashmir wanted us to go. However sad we may feel about leaving, we are not going to stay against the wishes of the people. We are not going to impose ourselves on them at the point of the bayonet". (Statement of Pandit Nehru in the Indian Parliament, August 7, 1952).

In his statement in the Lok Sabha (House of the People) on 31st March, 1955, Pandit Nehru said:

" Kashmir is perhaps the most difficult of all these problems between India and Pakistan. However, while it is the problem between India and Pakistan, we should also remember that Kashmir is not a thing to be bandied about between India and Pakistan but it has a soul of its own and an individuality of its own. Nothing can be done without the goodwill and consent of the people of Kashmir". (*Hindustan Times*, New Delhi, April 1, 1955).

In his statement in the Security Council, the Indian representative, Mr. Kirshna Menon said:

" So far as we are concerned, there is not one word in the statements that I have made in this Council which can be interpreted to mean that we will not honour our international obligations. I want to say for the purpose of the record that there is nothing that has been said on behalf of the Government of India which in the slightest degree indicates that the Government of India or the Union of India will dishonour any international obligations it has undertaken" (Debate on Kashmir in the 765th meeting of the Security Council : 24 January, 1957: paragraphs 147 and 149).

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TEHREEK HURRIYET-E-KASHMIR

Kashmir : A Summary

Location :

Heart of Asia, with historical links to both South and Central Asia, Surrounded by Pakistan, Afghanistan, China and India.

Area :

86,000 square miles, more than three times the size of Belgium, the Netherlands and Luxemburg combined.

Population :

12 million (estimate) including 1.5 million refugees in Pakistan and 0.4 million expatriates.

Status :

Historically independent, except in the anarchical conditions of late 18th and the first half of 19th century and when incorporated in the vast empires set up by the Mauryas (3rd century BC), the Mughals (16th to 18th centuries) and the British (mid-19th to mid-20th centuries). All these empires included not only present-day India and Pakistan but other countries as well. Under the British, Kashmir had internal autonomy.

Present Status :

In dispute since 1947, 63% of the area occupied by India.

Cause of Dispute:

India's claim that Kashmir is Indian territory. The claim is rejected by the people of Kashmir, challenged by Pakistan. It has never been accepted by the United Nations, never legally validated.

Solution :

Demilitarization of Kashmir (through withdrawal of all outside forces) followed immediately by a plebiscite under impartial control to determine the future status of Kashmir.

Great Power Policies :

When the dispute was first brought to the United Nations, the Security Council, with the firm backing of the United States, urged the solution described above. At that time, the Soviet Union did not dissent from it. Later, because of the cold war, the Soviet Union blocked every resolution of the Council calling for implementation of the settlement plan.

Likely Possibilities :

Only two, Either ascertaining the wishes of the people about their future and acting accordingly or the continuance of the status quo with violent repression and the spectra of carnage in the India-occupied part and chronic conflict and the danger of war in the subcontinent of South Asia.

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