

A BUNDLE OF BLUNDERS

KASHMIR SAGA



Lt Gen (Retd) D.D. SAKLANI PVSM, AVSM

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Dedicated to
My Mother

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PREFACE

This is one more book on Kashmir by a soldier who has been privileged to have the advantage of seeing for quite a long period both—formulation and implementation of some policy initiatives or what passes for so-called policy on Jammu & Kashmir (J & K).

The writing of this book is neither urged by any instinct nor is a result of a premeditated plan, but by compulsion of my moral duty to the nation and fellow citizens to share my views and perceptions on the vital issue of Jammu & Kashmir. Destiny afforded me an opportunity to spend more than half of my service in the gorgeous landscape of Ladakh, Kashmir and Jammu and equally to live there with its magnificent people—so loving and hospitable. They make J & K so unique. It is indeed an irony that despite its immense natural beauty—unique culture of eclecticism—and charming people, the State has been exposed to perpetual tension causing terrible miseries to its people.

My long tenure in J and K in different ranks and capacities, both in Army and later in civil administration in varied situations and challenging environment, provided me an opportunity to tour even its remotest parts, interact there with a cross-section of people, observe firsthand their culture and get a perspective on their problems. An effort is being made in this book to compile and present these impressions with a view to share the essentials of this unique experience.

In order to give an insight into the Kashmir issue, the subject has been broached with certain graphic details of its geography, its fascinating people and their long history

to build the right type of symphonic tempo to probe into the realms of ongoing conflict in J and K. Although much has been covered in various forms of print on J and K and debated threadbare at several forums, the unavoidable changes, new threat perceptions and strategies throw up new challenges and priorities, colouring its history with different shades with the passage of time. It is therefore imperative that the situation there is kept under constant review so as to get a judicious and balanced perspective which is not outdated.

In any political and other issue, particularly between USA-India, China-India, Pakistan-India and USA-Pakistan-China, there is hardly any occasion when the issue of Kashmir does not get cranked in, in some form or other. What has made Kashmir so significantly important to the nations, far and near to it? The Kashmir issue is a perpetual irritant and impediment in bringing peace and tranquility in the subcontinent. In the bargain, the people who really suffer on either side are the common people. How long these people will have to endeavour this predicament? So far unfortunately our policy on Kashmir both foreign and domestic has been reactive and no wonder we have been constantly at the receiving end.

To grasp the problem of J&K in its entirety, an effort has been made to trace its historical perspective right from the pre-Islamic period to the end of Dogra rule, its cessation in 1947 and the proxy war of the 1990s. An analysis has been made of past events and the deeds of some of the personalities who mattered in shaping its destiny, to get to the background of the turmoil in the state. Who are responsible for bringing about such state of affairs? The personalities involved were surely sane people and hopefully they desired stability in the region! However, the events which unfolded belied this hope and right from its accession, the state has gone through the miseries of conventional and proxy wars and constant gun duels on the Line of Control, entailing loss of precious lives. Wars should normally conclude with a compromise and a long period of peace and tranquillity. Ironically this has not happened in J&K!

Where are the failures and what are the obsessions which are coming in the way of its normalcy?

There has been latent unrest in the State for the past fifty years, only changing its gears and fluctuating in its level and intensity. Since the beginning of the history of mankind, most men have been reconciled to poverty without becoming rebels. What normally triggers their fighting instincts and creates insurgency is a change in habitual human activities of a certain group in the society; harsher treatment inflicted by unusually oppressive rulers; severe economic pressures; offensive attitudes of certain groups on whatever is considered unjust according to the accepted standards of the recipient groups. It therefore boils down to the fact that in general, insurgency has a better chance to take root and flare up in underdeveloped and unstable countries than in advanced nations. Also, successful insurgencies cannot be exported. *Unless the climate of opinion is right an outside country will not venture to risk to ignite the flames for it.* This is the core factor which needs to be realized and avoided.

Unfortunately, in insurgency the military drama and other superficial aspects of insurgency are popularly reported and publicly observed. They are also the factors to which the harassed government responds. And yet, strange as it may sound, the military activity is not the critical process. In this context, Robert McNamara had aptly observed, "Security is not military hardware, though it may include it; security is not military force though it may encompass it. Security is development and without development there can be no security. A developing nation that has not in fact developed, simply cannot remain secure, for the intractable reason that its own citizenry cannot shed its human nature". That is why to fully grasp the J&K militancy we must dig deeper to see what actually was taking place beyond the military scene. In doing so one may get new perspective which may reveal as to how poorly understood was the situation and why the militancy in the future may be more tenacious and successful.

There are four types of threats to a nation; that which is

of external origin and of internal abetment; that which is of external origin and external abetment; that which is of internal origin and external abetment and that which is of internal origin and internal abetment. Of these the worst danger for the nation is the last kind of threat and the next worse is the second last. The government concern should promptly get rid of these. In case of the threat to J&K, neither such a course has been taken in the past nor there are any present trends towards this direction.

A stout nationalism is an effective counter to insurgency. In true nationalism people share a sense of collective destiny through a common past and the vision of common future. What constitutes a nation is not only speaking the same tongue or belonging to the same ethnic group, but more importantly, having accomplished great things in common (together) in the past and the wish to accomplish them jointly in the future. This sense of 'togetherness' has to be imbibed if we wish to ward off the various types of dangers to the nation.

One may look for an ideal solution or even near workable solutions for J&K but considering the prevailing situation in the subcontinent, there are no such perceivable trends even in the foreseeable future. In such circumstances, it may be prudent to look for approaches, treading on which may in the interim lessen the problem and which hopefully may pave way for a solution one day. Also one may wait for an eventuality which may by itself provide a long term solution and bring stability in the region. Unfortunately too much of effort has gone in past what was not in pushing for attainable and too little in what was feasible without much fuss, stress and strain. One cannot but help adding that New Delhi so remote from ground realities, has depended on personalities rather than policy initiatives for pulling the chestnuts out of the fire. There is no sense of direction, only a feeling of drift.

If despite all this we have managed to muddle through in Kashmir, it is because of the basic strength of Kashmiri culture, the sacrifices of our Armed Forces and the overweening ambition of our neighbour. It is ironic that they

call the portion of Kashmir in their possession 'Azad Kashmir' without having introduced any form of democratic and participative institutions in that area and the so-called Northern Areas,

But with the growth of fundamentalism in our borders and the Taliban's victories in Afghanistan, surely our national policy has to become more pro-active (non-militarily) and attuned to ground realities rather taking of knee-jerk military reactions.

After the book was written, the scenario in the subcontinent underwent a change with the explosion of nuclear weapon device by India and Pakistan in May 1998, both acquiring nuclear weapon status. With a view to bring the discussions up to date, the various aspects of nuclear scenario are briefly added at the end.

During my tenure as Advisor to the Governor, J&K (March 1993–October 1996), I was fortunate to come across small but intelligent and highly devoted officers, the best a nation can hope for. They were pillars of strength to the state and its people.

The writing of this book spanned the winter of 1997 to the summer of 1998. I am grateful to my brother, Ravi Bhai for his initial loving encouragement and invaluable suggestions through the successive drafts. I am also grateful to Dr Som Rannchan, a fellow in the Indian Institute of Advanced Study (Shimla), a renowned poet and a writer, for rendering creative ideas and giving shape to the book.

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At the end I must mention the names of my Private Secretaries, Shri Mattoo and Shri Ganju and PRO Shri Yattoo who helped me immensely during my tenure as

Advisor in J&K. And of course I can never forget Inspector Gulam Hassan Shah, my Security Officer, and Shri Sher Singh the driver, who were beside me in J&K at all odd hours, least caring for their comfort and personal safety. God bless them.

1. ACCESSION AND ITS BACKGROUND

The problem of J and K and the ongoing proxy war in the region is best viewed against the backdrop of the partition of united India and the events leading to the merger of J and K with India. Whereas the destiny of 561 Princely States was decided soon after independence in favour of either India or Pakistan, the fate of J and K remained undecided. While Maharaja Hari Singh wanted to hang on to power, Sheikh Mohammad Abdullah, the charismatic and the sole leader of J and K who had led the people against the feudal rulership of the Maharaja for about fifteen years wanted independence. Of course this was unacceptable to Pakistan. India's attitude was unfortunately not clear till the tribals under the control of an impatient Pakistan invaded J and K on 20 October 1947. Driven to the wall, unable to sustain his stand of the Standstill Agreement, the Maharaja implored India to sign the Instrument of Accession on 26 October 1947.

With this historic signing, the accession became *constitutionally complete and absolute*. Ironically though, the issue remains unresolved not for India, but from the point of view of Pakistan and foreign powers poking in the matter. For India the agenda is the redeeming of Pakistan-Occupied Kashmir (POK) and the Northern Areas of Gilgit, Skardu and Hunza. For Pakistan, the obsession is not merely to hold on to what it has grabbed, but to gobble the whole of J and K.

A Glimpse of the History of Communalism

To understand the present impasse, it is imperative to comprehend the stalemate which came about on 1 January 1949, with a backward glance on the recent communal history of the subcontinent.

The seed of partition of India may be traced to the uprising of 1857. The revolt of the Bengal Army gave a lead to the country-wide movement against the British who sensed in it a serious threat to their raj. They came down with a heavy hand to curb and break this movement but soon realized that it was not easy to crush the feelings of the masses by use of force alone. Consequently, they took a deliberate decision to follow the policy of divide-and-rule. Hindus and Muslims were pitched against each other to create amongst them mutual suspicion, hatred and enmity. The Army was reorganized and restructured on the basis of religion, caste and ethnicity. This pulverizing blow was perhaps the most damaging act that the British perpetrated to break united India. This had its impact on the political and social fabric in the country, creating rifts and schisms amongst the various communities, which was precisely what the British had planned. This seed of divisiveness later sprouted and manifested itself in the two-nations theory, culminating in the country's break-up ultimately.

The British, however soon realized that despite their policy of divide-and-rule, it was not possible for them to suppress the feelings of Indians for independence and that sooner or later they would have to accede to their demand. But they did not want to leave behind a united India as they saw in it a threat to their future in South Asia. They perceived that it would be easier to counter and control small India and yet smaller Pakistan rather than the might of united India. To achieve their aim, they found in Jinnah a staunch advocate of two-nations theory. He became key to the British policy of partition. In 1946, there were whispers in the ears of the Viceroy that Jinnah was suffering from acute tuberculosis and may not survive for long. The British apprehended that should Jinnah die before partition,

the other Muslim leaders might not press for Pakistan. This apprehension hastened partition, which was advanced from 1948 to 1947.

A Hurried Independence

A few comments on the British apprehension and advancement of partition are called for at this juncture. *First*, as apprehended, Jinnah died soon after partition. *Second*, it is doubtful whether at that stage, the Muslim leadership less Jinnah, who had come thus far, would have dropped its demand for Pakistan. *Third*, the Indian National Congress was also keen for early independence because of the communal conflagration which had let loose an orgy of unbridled killings and barbaric, nay, bestial bloodshed, triggered by the divide-and-rule policy of the British and the two-nations theory of the Muslim League. In such a situation, the Indian Congress felt that once the Muslim League's demand for Pakistan was met, the enmity between the Hindus and Muslims would cease, preventing any further bloodshed.

Unfortunately, as the events unfolded in August 1947 and thereafter, it became evident that in this assumption the Congress was not correct. Riots and mass killings raged unabated on both sides.

Although no date was fixed for independence it was being contemplated to be some time in May-June 1948. It is believed that a panic set in in the Mountbatten camp, which resulted in its breath-taking gallop to advance independence by almost a year. Had the personalities at the helm of affairs at that time not hastened but given more consideration to work out the mechanism of partition, especially safety and the movement of refugees, the mass killings could have been avoided. Possibly the future of the Princely States could have also been decided before Independence Day.

It should have been the prime endeavour of the Viceroy and the leaders of Indian Congress and Muslim League to leave no major irritants for the two emerging dominions, who after three hundred years of slavery were venturing in moulding the destiny of their respective people.

Independence was tragically brought about rather hastily at enormous human price despite Gandhi's genuine commitment to non-violence.

The raj exhibited a shallow way of governing, keeping its own short- and long-term interests in sight. Although it can be complimented for undertaking development activities such as railways, roads, etc. it failed to address itself to the basic problems of education, health and population explosion. These problems inherited from the raj period, manifested manifold after independence, bringing more misery to people in the region. The British policy was well crafted to divide and rule, and not permit united India to become economically and politically strong. They got the princes, army, police and bureaucrats on their side, leaving the fate of the people to God.

The Fate of Princely States

When the Independence Act was formulated, the ultimate fate of the 562 Princely States should have formed part of this Act rather than leaving their fates hanging loosely between them and the newly created two nations, whose mutual relations were embodied with hatred and distrust from the very start of their independence. Any legal aspect regarding paramountcy should have been sorted out. It was quite clear that the Princely States could not have sustained their sovereignty for long because of the on-going movement for independence within them and the lack of adequate economic resource for their viability. It is rather surprising how the personalities at the helm at that time expected small states like Theog, Solan, Kuthar in Himachal Pradesh, Tehri in UP and alike in united India to sustain themselves. If partition and independence had not been hastened the way they were, many problems, including the future of the Princely States could have been decided and resolved before the two nations became independent.

The British, however, cannot alone be blamed for the break-up of united India. Partition could have been avoided if the Congress and Muslim League had shown willingness

to talk and discuss their differences in 1945 and 1946, but both stuck to their guns. Jinnah earlier wanted a federal system for securing the rights for the Muslims but later raised his demand for a separate dominion after the Muslim League performed exceedingly well in the provincial polls in Punjab in 1946. On the other side, many Congress leaders who were so anxious to get into power, did not mind the country's split. All the three—Mountbatten, the Congress and the Muslim League—deserve blame for this avoidable haste.

It is believed that Jinnah did not want a Pakistan without Punjab and Bengal. Both the provinces were on top of his list. He felt a great loss when the country was divided and what he got was truncated and moth-eaten Pakistan. And to add to this, Jinnah did not encourage a cadre of lieutenants who could carry on after him. Had he got the Pakistan he wanted, it would have lived in much closer and harmonious relationship with India. Jinnah's perception of federal India may be seen from the fact that as late as in 1947 he was buying property in India. All this is ironical.

Jinnah had his eyes on many of the Princely States to join Pakistan because he wanted Pakistan to be as large as India, if not larger, so as to be a viable counter balance to India in future. He had plans to annex the states of Hyderabad, Junagarh, J and K, Bhopal, Jodhpur, etc. He banked upon the calculation that the rulers of these states would opt for Pakistan and therefore insisted that the option to join either nation should rest on the rulers alone and not on the wishes of the people. This is yet another example of faulty policy, leaving the fate of the states exclusively with the rulers, particularly when the people were fully involved in national and political movements.

At independence, there were 562 Princely States in united India. They were semi-independent, being protected by the Crown under the doctrine of paramountcy. The Crown was the paramount Lord as far as these states were concerned. In return for the fealty pledged by them, the Crown provided them protection. When the Indian Independence Act was passed, the British power of British India was divided and

transferred to India and Pakistan. The Act also put an end to paramountcy, leaving it to the Princely States to decide their future arrangements with India and Pakistan. It was left to these states to either join India or Pakistan through an instrument of accession or remain independent. The relevant decision rested on the rulers alone. *As mentioned earlier it was Jinnah who insisted on this clause, apprehending that the people's opinion might go against Pakistan's interest.*

The above understanding did not provide that the instrument of accession could be conditional. Once accession was accepted, the Princely State became an integral part of that dominion. The British government had made it very clear that the Act on partition related only to British India and that their policy towards the Princely States contained in the Cabinet Mission Memorandum of 12 May 1946, remained unchanged.

Short-sighted Rulers

The early part of the twentieth century saw large-scale political movements for independence in united India. The movement also spilled to the Princely States and their subjects developed an urge for democratic form of government. Consequently, except for the three states, namely, Junagarh, Jammu and Kashmir and Hyderabad, the other states soon acceded either to India or Pakistan. However, the above three states faced a dilemma due to the lack of foresight of their rulers and their desire to continue their kingdom.

The accession of all the above three states with India, however, caused a psychological hurt in the minds of the Pakistan rulers and elite. They felt that Junagarh (a border state) and Hyderabad, although predominantly non-Muslim states, were ruled by Muslim rulers but were coerced by India. In Pakistan's view J and K, which was predominantly a Muslim state, should have acceded to Pakistan. The Nawab of Junagarh acceded to Pakistan but the people rose in revolt. The ruler fled to Pakistan and the people invited India to take over, which was done after holding a

referendum in February 1948. As for Hyderabad, it had a majority of non-Muslim population but the ruler was a Muslim. However, like J and K, he delayed his decision till September 1948 and the fundamentalist Islamic group of Razakars prevented the Nizam from acceding to India. A Police action was mounted and Hyderabad acceded to India.

State of Affairs in Kashmir

Let us now turn to J and K to see what was happening there at this point of time. J and K state is a land of extreme geographic and ethnic distinctions. Politically it has the history and potential of fragmentation into half a dozen or so mini- and micro-states (Gilgit, Baltistan, Ladakh, Skardu, Hunza, Jammu, Valley, and so on). At different periods of time, the state was ruled by rulers of different ethnic background, namely, Aryans, Greeks, Mughals followed by Afghans, Sikhs and Dogras. The rulers, however, did not do much to meet the aspirations of the general masses whose plight continued to remain bad. Most of the rulers were harsh on the locals. Even the Mughal rule, despite its excellence in some fields such as architecture, gardening, arts and crafts, lowered the spirits of the Kashmiris. Considering the poor administration in the state, the British deprived the ruler of his administrative authority in 1889 which henceforth was to be handled by a Council of Regency with an experienced European official as its effective member. Subsequently when things improved, the British removed the Resident.

The consolidation of Dogra rule in J and K coincided with the Indian freedom movement. The freedom movement, although predominantly in British India, filtered into the Princely States too. By 1931, anti-Maharaja rule sentiments under the motivation of Sheikh Mohammed Abdullah had sprung in the hearts of the people. The state could not remain unaffected by the mounting waves of agitation in India against the British for popular political rights. The first political organization in J and K came about in the shape of All Jammu and Kashmir Muslim Conference.

Sheikh Abdullah, who was the spirit behind it, broke away from the Muslim Conference in 1939 and formed All Jammu and Kashmir National Conference. It had a secular base comprising Hindus, Muslims, Sikhs and Buddhists and was closer to the Indian Congress in its composition and mandate. Jinnah tried to woo the Sheikh, but failed.

By August 1947, Maharaja Hari Singh had lost support of the Muslim-majority areas of Poonch and the western and northern districts of Jammu, Gilgit and Baltistan due to bad administration and freedom movement in the state. At the dawn of independence, Sheikh Abdullah was in jail. The Maharaja had jailed him due to his independence movement and closeness to Nehru but he was compelled to release the Sheikh so as to appease Muslim resentment and to counter the tribal invasion. The Maharaja was rattled with the tribal invasion and more so when some of his Muslim troops defected and joined the invaders. He left Srinagar for Jammu, leaving the Kashmir valley virtually in the hands of Sheikh Abdullah and his National Conference leaders. Sheikh Abdullah called for volunteers from all castes and classes to fight the invasion. He played a decisive role, both in mustering the mass movement against the invaders and to get the Indian Army's help in time for J and K.

The Maharaja was in a dilemma. If he opted for independence, the state could have splintered into several autonomous regions and his kingdom would shrink to the Dogra majority of Jammu and Kathua only. Pakistan was eager to bail him out provided he opted for Pakistan. He decided to remain undecided hoping to continue with his kingdom. With a view to buying time, he offered a Standstill Agreement to both India and Pakistan. The latter accepted his proposal promptly while India remained undecided.

The Maharaja disliked Jawaharlal Nehru and other leaders of the Indian Congress, who had been for long supporting Sheikh Abdullah and his political party for democracy in pre-independence India. This is reflected in an interesting incident when the Maharaja refused permission to Nehru to enter J and K and further instructed

the police that should he make any attempt to force his way, he was to be arrested. Nehru in humiliation had to return from the state border-post to Delhi. So both Hari Singh and Nehru had a horrendous shadow hanging over each other which delayed the merger and led to the tragic traumatization from which we are still suffering.

By August 1947, the die for J and K was heavily loaded in favour of Pakistan. Pakistan first cajoled, then penalized the Maharaja and finally attacked J and K through a tribal invasion, supported by the regular army. At this point India's priority lay elsewhere, namely, tackling the massive refugee problem, finalizing the future of the Princely States in the heartland and the southern region and addressing itself to a number of other important issues. J and K was not in the Indian government's mind. *Indian leaders can be blamed for not fully comprehending the importance of J and K to India.* The psyche of the Indian Congress was influenced by various factors. *Firstly*, it had throughout advocated the principle of non-violence, which had won the nation independence from the mighty British. India had no expansionist ambitions. Military threat to the nation from near and far was not in the government's list of priority. *Secondly*, the government left the fate of J and K, being a border state unlike others in the heartland, entirely in the hands of the ruler and his subjects. No keenness to make J and K part of India was evident in the Indian government's agenda.

With a view to buying time, the Maharaja offered the Standstill Agreement. Pakistan accepted the Agreement on 15 August 1947. India put it off asking for some clarifications. There was great rejoicing in Pakistan. Nevertheless, Pakistan had to still cover a long distance as the Maharaja continued to vacillate and remain undecided in a self-made dream to hang on to power. Had India agreed to the Standstill Agreement, it would have given the two nations and the J and K state the much required cushion time to consider and finalize the issue. India had nothing to lose.

Sheikh Abdullah was insisting on independence and the Maharaja was indecisive. Pakistan initiated economic

blockade of the state by cutting off its supplies of essential commodities such as salt and petrol. It also stopped the supply of currency notes and small coins to the Imperial Bank in Kashmir. These measures were taken to pressurize the Maharaja. Jinnah even sent one Major A.S.B. Shah, a joint secretary in the Pakistan Foreign Ministry to Srinagar to negotiate the terms of accession with the Maharaja. Simultaneously another missionary, Dr Mohammad Din Tasir, was sent to Sheikh Abdullah to join Pakistan. Through his missionaries, Jinnah had conveyed to both the urgency for an immediate decision in favour of Pakistan or else other means would be used. The Maharaja, however, continued to dither. Sheikh Abdullah remained cold and unresponsive.

A Dramatic Finale

The events leading to the accession of J and K to India were somewhat dramatic. On 29 September 1947, Sheikh Abdullah was released from jail by the Maharaja to help in resolving the communal disturbances in the state, particularly in Poonch. While this was happening, a plan was being hatched in Pakistan to use tribals to invade and annex J and K. Some are of the view that Jinnah was not aware of the plan till 19 October 1947 when he sent his Private Secretary on Kashmir, K.H. Khurshid (later appointed as the President of Occupied Kashmir) to meet the Maharaja and the Sheikh. Subsequently, when Khurshid met Prime Minister Liaquat Ali and remarked that Qaid-e-Azam was not informed of the invasion plan the latter just nodded his head. However, it is very unlikely that Jinnah was ignorant of the plan. Even after the invasion, Sardar Patel, the then Indian Home Minister offered through Mountbatten that if Pakistan kept out of Hyderabad India would leave Kashmir alone. But Liaquat Ali did not agree.

It is believed that the failure of the tribals in capturing Srinagar shocked Jinnah, leading to a sudden decline in his health and culminating in his early death.

Pakistan-sponsored tribals invaded J and K on 20 October

1947. They were in civilian clothes commanded by retired Pakistani army officers of the erstwhile British Army. They advanced in civilian lorries towards Srinagar. However, the invaders got involved in loot, arson and rape wherever they went. On 25 October the rape of Baramulla commenced. The orgies delayed the invaders in reaching Srinagar, which at that time was almost undefended. Even a small column of the invaders could have captured Srinagar air-strip which would have made the military intervention from outside very difficult and perhaps the history of J and K would have been different today. Finding himself in a precarious situation the Maharaja appealed for Indian Army help (Appendix A).

Before giving the details of the 1947-48 war, it is essential to give a brief account of the developments in Delhi before the Instrument of Accession was signed and before India actually agreed to direct its Army to launch a counter-offensive and throw out the invaders from J and K.

India, as mentioned earlier, had no plan to get involved in J and K. However, on knowing of the happenings and developments in J and K since August 1947, V.P. Menon was sent to Srinagar on 25 October to assess the situation in the valley. Sensing the grave situation there due to the tribal invasion and after advising the Maharaja to leave for Jammu, Menon returned to Delhi along with Mehar Chand Mahajan, the then Prime Minister of the state. He apprised the Cabinet Committee of Defence, chaired by the Governor-General, of the serious situation developing in the valley. The Service Chiefs, all British at that time, were ordered to draw plans to dispatch troops to Srinagar. However, before this could be implemented it was legally necessary to get the formal request for India's help from the Maharaja. Accordingly, V.P. Menon met Nehru on 25 October.

Sheikh Abdullah played a crucial role in the drama of accession. His aim was very clear: to preserve the identity of Kashmir. But at that time, his immediate concern was to save the Srinagar people from the rape of the invaders. To him, the only way it could have been achieved was to get the Indian Army's help. The same urgency and compulsion

were also in the mind of Mahajan. When Mahajan apprised Nehru of the situation and pleaded for immediate dispatch of the Indian Army to Srinagar, Nehru reacted and queried how the Army could be sent at a moment's notice to reach there in time. He was assured that even if Srinagar fell to the invaders, it could be recaptured by the Indian Army.

Nehru was initially not in favour of sending forces to J and K and actually lost his temper with Mahajan, who having realized the grave situation developing in the state was clamouring for immediate response. Sheikh Abdullah, who overheard the ruckus from the adjoining room sent in a note to Nehru conveying that he and the people of Kashmir badly wanted India's help to get them out of the terrible predicament. It was only when Nehru was convinced of the wish of the people of J and K that he eventually agreed to the Instrument of Accession (Appendix B) and to send the Indian Army to Kashmir. Thus Kashmir was saved from falling into hands of Pakistan.

On 27 October 1947 the Indian Army landed at Srinagar air-strip. A brief account of the war is given in Chapter 4. On 1 November 1947, Mountbatten met Jinnah in Lahore and convinced him that since the Indian Army had reacted effectively and the tribal invaders in Kashmir would not be able to capture Srinagar (Kashmir), he proposed simultaneous withdrawal of the invaders and the Indian troops from J and K. The proposal however could not make any headway because of the difficulty in implementation of the mechanics of actual withdrawal of forces and its guarantee by both sides. The meeting failed. Ultimately, the invaders were pushed across the Samsabari and Poonch and Rajouri areas, but Pakistan continued to hold on to the part of J and K (POK). Pakistan failed to accomplish its ambition of capturing Srinagar and annexing the valley and thereafter the remainder of J and K due to its own blunder. It was a situation of so-near-and-yet-so-far for it. Without Kashmir Pakistan feels an emptiness, which impels it to try and try again.

The main reasons for Pakistan's failure can be summed up in a few sentences. To start with, Pakistan had to

confront with two personalities. Maharaja Hari Singh who was vacillating and indecisive and was harbouring the desire to hang on to power and Sheikh Abdullah whose priority was independence for the state. The masses in the valley, being non-fundamentalists, were not with Pakistan; Kashmiriyat culture of religious tolerance and harmony prevailed. *While a lot of bloodshed was taking place during partition, both in India and Pakistan, there was not a single case of killing in the valley.*

By the end of 1948, the Indian troops had not only halted the tribal advance into the valley but also launched a major counter-offensive and were making a steady progress toward Muzaffarabad in the west. By the summer of 1949, entire J and K would have been probably under India's control. Capturing of Muzaffarabad would have cut off the Northern Areas of Gilgit and Skardu from the mainland of Pakistan and the fate of the entire state would have been decided once for all. When the ultimate victory was within the Indian Army's reach, Nehru directed an immediate halt to any forward move. India continues to pay a heavy price for it.

UN in the Picture

On 1 January 1948, under article 35 of the UN Charter, India took the J and K case before the Security Council, charging Pakistan with violating Indian sovereignty. Pakistan responded by accusing India of organized genocide of Muslims and securing accession of the state by fraud and violence. The UN Council passed resolutions on 21 April 1948 and 13 August 1948 (Appendix C and D), stipulating three-prong actions to resolve the problem. The resolution stipulated: a cease-fire; Pakistan to vacate POK; and the future of the state to be decided after ascertaining the will of the people. The first step of UN resolution was implemented with the declaration of cease-fire on 1 January 1949. Wranglings dominated the remaining two parts of the resolution. It gave rise to a new set of factors, arguments and counter-arguments.

A study of extracts of certain correspondence/documents

(copies at Appendix E) is relevant to the point. They further compounded the already complicated political-military situation. The United Nations Military Group (UNMOG) was positioned on either side of the cease-fire line to overlook the cease-fire (UNMOG is not recognized by India since the Simla Agreement of 1972). In the meantime, the Cold War broke out and no further progress could be made. The changed Indian insistence from 1950 on holding a plebiscite and Pakistanis shying away from it due to Sheikh Abdullah's attitude made the plebiscite proposal redundant.

The entire present POK would have been under Indian control by summer 1949 had Nehru not halted the Indian Army's advance in December 1948. He preferred to go to UNO. It will remain a mystery why Nehru had to take such a decision. Was it that being a staunch follower of non-violence and non-use of military means, he wanted to give a message to the region and the world of India's noble and ideal intention? Or was he preparing the ground for his Panchsheel advocacy? Strictly speaking, once the Instrument of Accession was signed it was the responsibility of the Indian government to redeem the entire J and K in 1948-49 itself. It can be said that she failed in her duty.

The reason for Pakistan's failure to annex J and K in 1947 was the failure in maintenance of its aim. The aim of the invaders was to capture Srinagar but at a point when the fall of Srinagar was in sight the maintenance of the aim fell prey to other ulterior motives, namely, arson, rape, loot, etc. losing valuable time and giving an opportunity to the Indian Army to induct, reinforce and consolidate its position in Kashmir. The ill-trained and indisciplined tribal forces, composed of riffraff and commanded by aged retired Pakistani army officers, only antagonized the Kashmiri population. The invaders failed to gain sympathy and rouse local support for originating the uprising, which is a prerequisite for success of such operations.

There was also lack of proper political direction and leadership. The invaders were operating without a unified command, drifting without a rudder in a fog of apathy. Pakistan lost a winning battle and converted victory into

defeat because of its lack of strategy and weak plan. Pakistan also blundered by hastening up the military options by pressurizing the Maharaja and showing no patience with Sheikh Abdullah.

With hindsight, it may be said today that had Pakistan not pressurized the Maharaja, had not implemented a weak invasion plan poor in strategy and an imprudent military plan, the story of J and K might have been different today. Swept by emotions, ambitions, aggression and violence, Pakistan itself is to be blamed for the accession of J and K to India. However, even fifty years later, the invaders are still in the state in some form or other. They have been there always.

The Instrument of Accession signed between India and Maharaja Hari Singh on 26 October 1947 was complete and absolute. Not only was it the wish of the Maharaja to annex J and K with India as per Article 35 of the Indian Independence Act but it was also fully supported by Sheikh Mohammed Abdullah and his National Conference—the only main political party of the state which enjoyed the confidence of the masses. No greater support could be asked for. And yet, for some inexplicable reason, India took the matter to the UN to complicate and compound the problem. The circle is complete today. India has realized its mistakes and does not want the UN or any other country to intervene in it.

In accordance with the Cabinet Mission Memorandum, the British power of paramountcy terminated on 14 and 15 August 1947. It implied that all the rights surrendered by the Princely States to the Crown would cease and the latter would make their future arrangements with India or Pakistan, as the case might be. Thus the British left the state's future in a lurch, which led to subsequent problems. Whereas the future of all other states was resolved, although not without problems, the J and K problem persisted. As mentioned earlier, the future of all Princely States should have been decided, amending the laws if so required, before partition itself and the necessary provisions should have formed part of the Independence Act itself, specially in view

of ongoing national movements in the states. All the three, namely the British government, the Indian National Congress and the Muslim League can be blamed for their inaction to this end. Possibly if Independence were not hastened and advanced by a year, this issue would have been resolved before partition.

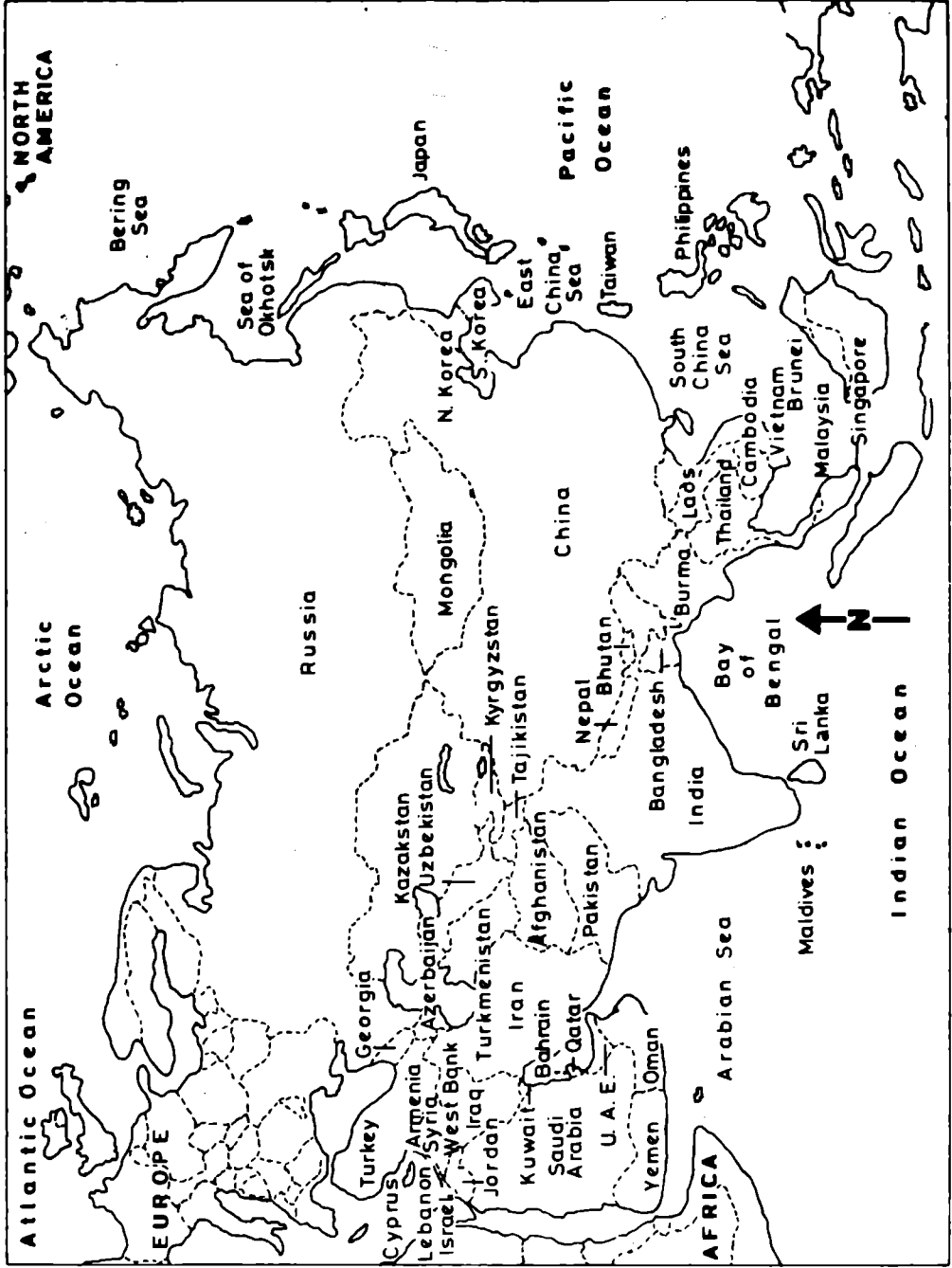
A History of Mistakes

There were many actors/agencies connected with the tragedy that is Kashmir today. Maharaja Hari Singh, who wanted to hang on to power and was vacillating and indecisive. Jinnah, scheming to carve as big a state for Pakistan as India, was impatient to annex J and K. Nehru, impulsive and wavering between idealism and ground realities. Sheikh Abdullah, over-ambitious and saviour of Srinagar and Kashmir. V.P. Menon and Meher Chand Mahajan, who played a crucial role in getting the clearance to send the Indian Army to Srinagar from the somewhat reluctant Nehru. The Indian Armed Forces who saved the day for J and K.

India made the following blunders:

- India failed to annex the remaining part of J and K (POK) by calling for sudden halt to further offensive.
- Move to rush to UN, when the Instrument of Accession of J and K was absolute.
- Because of above Indian actions, Pakistan gained recognition as a party in J and K dispute.

Strategic Map of India



2. PERCEPTIONS

The word perception is defined in Chamber's Dictionary as an act or power of perceiving, discernment; apprehensions of any modification of consciousness; the combining of sensations into a recognition of an object; direct recognition; reception of a stimulus.

It is a state of thinking, influenced by the curious and mysterious sense of human beings whose behaviour is not necessarily constant. Perceptions are views of the same object as seen from different angles. Individuals or a group of individuals may have identical or contrary perception of the same subject. They differ because of the varying and changing factors like the quality and authenticity of information and knowledge available, mental make-up, culture, attitude of the thinker and so on. Perceptions may also alter due to change in any of the above factors. Individual or collective perceptions may be wholly or partially correct or totally incorrect. Nevertheless, a study and analysis of various perceptions do provide a fair and balanced assessment of a subject, issue or a problem. Perceptions give lead to actions.

Perceptions play a very significant role in the destiny of individuals, organizations or nations. The destiny of millions of people hinges on the perception of those few who are at the helm of the nation. Had Hitler not over-estimated his strength and not opened a new front against Russia, perhaps the history of the world would have been different. There are numerous examples in history where decisions taken on wrong perceptions caused immense misery to mankind. The story of J and K is also an outcome of varying

perceptions of the various personalities and nations involved in shaping its destiny.

J and K occupies a significant strategic position in the region, making it an area of clash of interests between the various nations. Each has its individual view on its strategic, social and economic importance and from that follows their respective vested interest in it. The nations involved are Pakistan, USA, China, Russia, Afghanistan, India and some other countries. An attempt is made here to discuss in brief their perceptions in J and K context.

Pakistan's Perceptions

Undigested Partition. Pakistan perceives that although throughout recorded history, India has never been a united single state (except during the British rule), the Hindu belief had always been that India was a united country till the Muslim invaders from the north-west destroyed this unity, which according to Pakistan is a myth. Pakistan feels that it was because of this belief that Hindus opposed the partition of united India, which feeling persists even today. It apprehends that Indians nurture the fond hope of reunification one day as the Hindus have not digested partition.

Complex of India's Status. Pakistan apprehends India's bid to acquire for herself a regional and global-power status. Pakistan also feels that it had to suffer India on various accounts, namely, Indian intervention in Junagarh and Hyderabad; unfair division of Indus basin waters, Rann of Kutch dispute and aggression in East Pakistan. Of these, Kashmir has remained the main irritant.

Demographic Aspect of J and K. Pakistan had an eye on J and K even before united India was partitioned on the basis of its majority population and proximity to Pakistan. In its view, of the total 40,21,616 population in 1941 in J and K, over 83 per cent were Muslims, 15 per cent Hindus and the remaining 2 per cent belonged to Sikhs, Buddhists, Christians, Parsis and others. According to them even in the Dogra region of Jammu there were over 61 per cent Muslims.

Geographic Proximity. The Pakistanis also believed that J and K was located next to Pakistan and had better communications to its heartland Lahore/Rawalpindi (namely, Kohalla and Muzaffarabad-Srinagar and Sialkot-Jammu roads) connecting the state with Pakistan. At that time, there was no rail connection between West Punjab and Jammu and the only road connecting Jammu with Pathankot was a dirt track. Beyond Jammu there was an improved cart road connecting Srinagar, running over the Banihal pass. Hence all the essentials, including supplies came to J and K via Rawalpindi-Muzaffarabad and Gujranwala-Sialkot routes. The majority of the tourists followed Pakistan route to enter J and K.

As per Pakistan's perception geographically, demographically and economically, J and K was closer to Pakistan than India. It was wooing Maharaja Hari Singh and Sheikh Abdullah for the annexation of the state.

Strategic Location. Pakistan perceives that its dispute with India over Kashmir is not merely due to regional account but is also linked with the importance of its strategic location. The territory is embedded in the strategic heartland of Asia. In its perception, its possession (by Pakistan) would cut off India from Russia whereas its possession by India would leave Pakistan with no common frontier with friendly China.

Pakistan feels that occupation of Kashmir by India exposes its flank. It also gives advantage to India to threaten the Aksai Chin highway and South China, which destabilizes China's hold on Buddhist Tibet and Muslims Xinjiang.

As per Pakistan's perception, the strategic significance of Indo-Pak border would continue to remain unchanged unless the Kashmir issue is resolved. They consider the border issue most significant, on which hinges the issues of war and peace, life and death and is the chief anxiety of many foreign offices.

River Waters Disputes. The other aspect which irritates Pakistan pertains to the rivers. Consequent to the Indus Basin Treaty, the western rivers (originating or passing through J and K) came to Pakistan's share. The entire

Pakistan plain depends on the three western rivers, whose origins are in India giving India choke point option to pressurize Pakistan at the time of her choosing. If the water of these rivers is denied to Pakistan, its plains will turn to desert. Pakistan feels uneasy on this account. *It may be commented here that future conflicts between the nations may likely be on water sharing.*

Potential of Kashmir. Pakistan sees much commercial riches in Kashmir, specially in forest and tourism industries. Apart from these, it has its eyes on the state's potential in gem stones, minerals, arts and crafts. All these add up enormously to earning foreign exchange which Pakistan does not want to be denied of.

Weakening of the Two-Nations Premise. In Pakistan's thinking, retention of its border majority-Muslim state (J and K) by India weakens the very basis of its two-nations theory. On the contrary, it strengthens the secularism philosophy of India. It is not easy for Pakistan to digest this factor.

Undigested Accession. Pakistan advocates that J and K's accession to India was illegal because it violated the Standstill Agreement of 1947 between Pakistan and Maharaja.

Incompleteness. Although the Muslim League was successful in carving and creating an independent nation, it has been harbouring a feeling of incompleteness, since territorially Pakistan is no match to India. Pakistan's quest has been to acquire greater depth *vis-à-vis* India. Pakistan's first objective has been to have parity with India, if not superiority in every field—be it territorial, economic, industrial, nuclear, military and so on. It blames India for its economic plight. These factors have given rise to certain core issues in the Pakistani mind, leading to hatred and revenge, which are passed from generation to generation. This feeling is manifested even on the field of sport; a simple game with India is not considered a mere sport but a battle for life and death.

The Army's Role. The Army has played a significant role in the destiny of Pakistan. During the fifty years since its

creation, almost 50 per cent of the period it has been under military rule. A Troika, comprising the President, the Prime Minister and the Army Chief, takes major and crucial decisions for the country. It is chaired by the President but the final word or veto lies with the Army Chief. Although in recent times (1997) the Army is trying to somewhat withdraw from the nation's politics it may not be so easy. *First*, the army generalship down the line has enjoyed special status in the country for long and may not part with it in a hurry. *Second*, the so-called little change may be temporary only.

A Mental Bugbear. Although to a great extent the route of power in Pakistan is through Washington and the rulers are generally pro-America, the people at large do feel USA's pressure and are suspicious and antagonistic to the USA and its designs. In Pakistan's perception, settlement of Kashmir is the core issue and prerequisite to improving relations between the two nations. It perceives that the situation on the line-of-control would continue to be tense and would frequently erupt into near-warlike conflicts. Pakistan believes that anxiety on the border has its serious ramifications on smooth working relations between the two nations.

In Pakistan's view, the partition of Punjab created considerable controversies. Sir Cyril Radcliffe Award of 12 August 1947 was amended on 17 August and a number of Muslim-majority areas of Punjab (Gurdaspur) were awarded to India and not a single non-Muslim area was included in Pakistan. This aggrieved Pakistan and to make up, it aspires to grab J and K.

Pakistan complains that right from its inception India has been trying to throttle it. Besides getting Kashmir annexed to itself, it temporarily withheld Pakistan's agreed share of cash balance and deprived its share of military equipment.

Pakistan blames India for taking advantage of the political crisis in Pakistan by intervening in East Pakistan in 1971 and bringing about the break-up of Pakistan. It was a great humiliation to every Pakistani, more so to its defeated army which is not going to forget it so easily.

Pakistan frequently comments that although India has the fourth largest army in the world it continues to build it up further. On the other hand any increase in Pakistani armed forces is projected as a threat to India's security. Another irritant they say is the nuclear issue.

Pakistan sees India's development and its emerging as a consequential power in the continent with suspicion. It is averse to India's influential role in South Asia on the strength of its size and population. To Pakistan it amounts to India ignoring other neighbouring countries.

Nehru Blamed of Duplicity. Pakistan blames India of duplicity. Whereas Junagarh and Hyderabad were annexed by India on the majority-Hindu factor, the same principle was not applied to Kashmir which was contiguous to Pakistan and had Muslim-majority population. Pakistan also blames Mountbatten for going out of his way to help India to secure J and K accession.

In Pakistan's perception, India took the J and K issue (under Article 35) to the Security Council on 1 January 1948 because, having failed to crush the Azad troops, it sought UN help with the aim of buying time and delaying the holding of plebiscite. Thus although the cease-fire was effected no agreement on demilitarization in the state was taken. Pakistan feels that the Security Council explicitly and by implication rejected India's legal claim on Kashmir.

Pakistan blames Nehru for going back on his words. Nehru had made a statement in 1952 to the effect that Kashmir was not the property of India or Pakistan and that it belonged to Kashmiris and their verdict will be taken, to decide its future. Pakistan feels that even during the British raj, India was divided between British India and Native India (Princely States) and therefore why so much of anxiety on the two-nations theory. They advocate that the division of the subcontinent was based on or was the result of a struggle waged by Muslims for a separate independent state to protect their religious, cultural, economic and political interests which were distinct from those of Hindus.

Little Room for Manoeuvre. With all the goodwill in the

world, no Pakistan government is free to take a step or a decision on Kashmir which is not in its favour. The Pakistani military, mullahs, the Muslim fundamentalists are hawks, leaving little room for the government for manoeuvring good relations between the two. Although the generals remain the king-makers and are supreme, they can ill afford to be entirely governed by their ego, ignoring the ground realities. While forcing any decision on their government, they have to be pragmatic, keeping in mind factors like its political and economic fallout, particularly under the pressure of the IMF and the World Bank. Escalating monetary problem and soaring deficits forced Pakistan to go on a borrowing spree. The generals are therefore not naïve as to take any ad hoc decision. They are aware that the international forum will not tolerate any intervention beyond a point.

Pakistan believes that the Simla Agreement of 1972, in no way alters the status of J and K as a disputed territory. Pakistan feels that India has all along played upon the theme that plebiscite will impair the secular stance of the Indian Union and will rejuvenate Hindu-Muslim friction. Pakistan also feels that India resists the idea of its taking the issue to any international forum so that India can impose its will on Pakistan through coercion.

Pakistan blames India for misrepresenting the current uprising (militancy) in Kashmir by floating themes like—it is not indigenous but aided by Pakistan; it has been caused by Muslim fundamentalists; it is not a movement but a terrorist activity and that Kashmir is an integral part of India and therefore not negotiable.

Pakistan feels that India is coming under mounting pressure to resolve the J and K dispute. It faces the threat of economic sanction from the OIC. However, Pakistan realizes that it is also facing the international pressures on human right violations and has also been subjected to economic and military crunch on this account. Hence Pakistan's need to keep USA in good humour.

Indo-Pak relations have always been governed by mutual suspicions charged with high tensions.

Pakistan's view is that militarily it cannot resolve the

Kashmir problem. Continuation and intensification of freedom movement/struggle is the only way to keep India under pressure; make it bleed economically and to force it to come to the negotiating table.

USA's Perceptions and Responses of Other Nations

A summary of the developing relations and instances of US policy in Asia with particular reference to India and Pakistan is relevant. Right from 1947, Pakistan has been relevant to USA in the shaping of its global and regional stances. During the latter half of forties and the fifties, Pakistan was an important link for USA to contain Communism. This is the core factor on which USA's interest in Pakistan has been built (and will continue to be so).

An Opening to the Indian Ocean. Consequent to the above, Pakistan was inducted as a member of both SEATO and CENTO and voluminous aid, arms and weapons commenced flowing into Pakistan. In the early sixties, the USA realized the importance of Pakistan in the context of new strategies in the Indian Ocean. The Indian Ocean will always remain important to the USA both for containing Communism and for its economic interest. Consequently it established naval bases to dominate the Indian Ocean to show its military power in the region.

In the second half of the sixties oil assumed prominence in USA's policy. USA wanted to meet its maximum requirement from outside, keeping its own reservoirs intact. In its perception the Gulf became the core of its strategy in the region. USA had a stake in Gulf oil and its dependence on it became evident by 1972. Iran became the area of its focus. In the process, Pakistan was somewhat ignored and the USA's support to it was reduced. USA did not show any adverse reaction when its arch adversary USSR agreed to mediate between India and Pakistan after their 1965 war.

A Front-line State. In 1978-79 Pakistan once again acquired relevance in the new US strategy. It resumed the role of a front-line state, not only *vis-à-vis* Central Asia but the Gulf also. A pragmatic response to Islam became its

policy to oppose the Soviets and Soviet backed-forces. The Arabs exploited the oil weapon and imposed an oil embargo against the US. Naval arms aid to Pakistan and strengthening its naval capabilities, reflect the USA's strategy towards the Gulf.

By the end of the seventies, the USA acquired a dual role in South-West Asia—one dependent on supporting Islamic fundamentalism for destabilization of Soviet interest in South-West Asia and the other to ensure uninterrupted oil supply to the West. Thus the major factors which have influenced US policy in Asia are—containing Communism, ensuring free flow of oil to the West and domination of the Indian Ocean for its trade and strategic importance.

Every war in the end brings about great change and new equations amongst the powers. So it also happened after World War II. It is believed that the real purpose for using the atom bomb on Hiroshima and Nagasaki in August 1945 by the USA was not really to give a final blow to Japan, which was already on the verge of defeat but to give a warning to other big powers—the Soviet Union in particular, and China, that should they venture in any expansionist ambition, they would meet a similar fate. USA's policy was to contain these two emerging nations, which could pose a threat to its interest in future. And in that context, it found in Pakistan a convenient foothold, a front-line state, from where it could contain both Russia and China. Consequently Pakistan benefited from USA, economically and militarily, which in turn brought about tension in the region. Whatever be the other changing factors, this equation is not likely to undergo much change in the future.

Suspect US Commitment. Subsequent to the downfall of the Soviet Union, the USA has emerged as the sole super-power in the world. Consequently, it got involved in formulating a new world order, encompassing new equations, arms reduction, restructuring of new democracies in Eastern Europe and its compulsion for a fresh look at its economic approach in the world. Pakistan perceives that in light of these changes in the USA's interests, it has somewhat lost its strategic importance to the USA. Pakistan apprehends

that its own security compulsions have come in conflict with the new American policy. In any case, Pakistan feels, that in spite of its good relations, the USA has always left Pakistan high and dry in the hour of its trial. They are also apprehensive of growing Indo-US nexus in consonance with the US-Israel axis.

In this backdrop, the USA would like to see rapprochement between India and Pakistan. There already is a visible divergence of USA's perception. Nevertheless, Pakistan is also aware that due to its economic compulsions it can ill-afford to annoy USA.

In the above context, the USA is displaying a balanced and judicious view over Kashmir, particularly after the elections and installing of a democratic government in the state. The sole superpower (China notwithstanding), it enjoys decisive influence in world affairs and all important changes and equations in the world will need its direct or indirect nod.

The USA is likely to keep Pakistan under perpetual threat of being declared a terrorist state. Also due to Islamic resurgence the USA is likely to view Iran and Pakistan as a threat to its game plan in South Asia. At no time, it can afford to ignore the Islamic threat.

Russian Perceptions and India's/Pakistan's Responses

After World War II and with the growing muscle power of the USA, the Soviet Union was compelled to find an ally in the region to contain USA. The Soviet Union was also apprehensive of China—although both followed the Communist ideology. In this backdrop the India-Russia friendship grew. It acted as a balancing equation in the region. However, subsequent to the break-up of the Soviet Union the situation has somewhat changed. Due to its economic and political compulsions, Russia at best can play a junior partner's role in world affairs. Although Indo-Russian alignment will continue it may not be entirely directed against Pakistan. In the event of India-Pakistan conflict, Russia may provide only a measured support to India.

Pakistan also sees an important role for Russia in the Central Asian Republics (CAR) (Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, Uzbekistan), which have Islamic and ethnic ties as also inter-regional disputes. Because of the declining role of Russia to India, Pakistan may find the former as an ally for its interest in CAR.

During the Cold War period, India had an important role for Russia in the region, namely, to contain the influence of China and USA in the continent. Due to the break-up of USSR, the equations have changed and Pakistan and Russia may come closer. However Indo-USSR relations are embodied with historic ties and therefore Russia may not initiate any action which would go against India's interest.

China's Perceptions and Response of Other Nations

China had its reasons to be a close ally to Pakistan. In the era of growing western influence and anti-Communist feelings, danger from USSR and to counter the growing influence of India in South Asia, it had to cater for multi-nation threats. At the same time, it was ambitious to be the greatest power in the continent. To cater for these and to prevent India's growing influence, it found in Pakistan a ready-made ally to counter the interests of both the Soviet Union and India. Although it was aware of Pak-USA relations, it decided to ally with Pakistan. It also suited Pakistan to be friendly to both USA and China and benefit from both.

In the light of break-up of Communism in the Soviet Union and Eastern Europe, the USA may direct its efforts to bring down Communism in China. USA will continue to extend its pressure on China to abandon supply of arms and equipment to Pakistan by exploiting the leverage through transfer of technology and grant of MFN status to China.

On the other hand, China will remain inward looking, embroiled in its domestic problems and may not be able to play any major role in world affairs as in past—but certainly it cannot be underestimated. Once China sorts out its internal problems, it is likely to venture in its favourite

expansionist activities. Also, it may be reluctant to support Pakistan on Kashmir, due to its similarity with Tibet and sensitivity of Xinjiang Province. However, in the event of Indo-Pak conflict, China may support Pakistan but with restraint.

China, along with Japan and Germany is likely to emerge as a major centre of economic power and may have a significant say in world affairs. China is opening up to India after a long spell of confrontation to expand its trade. .

There has been consistency in the Pak-China relations since the fifties. It has been enduring and reliable. Ceding a portion of the northern part of Siachen to China and construction of the Karakoram Highway are indications of their common interests.

Being a close and time-proven ally of Pakistan, China will continue to stand by it and its policy towards Kashmir issue.

China is aware that due to their large size and huge population, China and India are the sole rivals and contenders for supremacy in the continent. However this irks Pakistan, China's strategic policy will continue to ensure that India does not emerge as a big power.

European Community

The European Community is likely to react cautiously and in a guarded manner towards Kashmir. With the emergence of unified Germany, it is engaged in several of its own intricate problems.

Muslim Ummah

The Gulf war has created cracks in the Muslim communities, who stand divided on many issues. Kashmir has not received any unanimous support from the Muslim countries. However Saudi Arabia, Iran and Turkey have pledged full moral support to Pakistan. Pakistan continues to endeavour to cement its ties with the Muslim countries so as to gain political, economic, military and ideological support.

India's Perception

Basic Ideology. Right from the day of the clamour of the Quit India Movement to the day of partition, the Indian National Congress was a strong advocate of a united India. It was the core of its secular policy. Initially, India was vehemently opposed to the two-nations theory. However, in the wake of large-scale communal riots in the mid-forties the Congress changed its stance.

Although India had in mind the accession of the Princely States in the heartland and in the south, it did not give much thought to the future of J and K till it was invaded by the tribals in October 1947 forcing Maharaja Hari Singh to seek India's help.

The world wars had also seen large-scale killings, devastation and misery and the nations all over were looking forward to coexistence and peace. In this backdrop, India saw the future in make-believe peaceful world ideology and approach.

Pluralistic Heritage. India's perception of Kashmir is radically different from that of Pakistan. And this perception is grounded on the culture and pluralistic heritage of the state and legal claim.

The preceding chapter gives a brief view of the recent history of the Kashmir problem, beginning 1948. India's claim on J and K is based on its cultural ties with the region, Kashmiri Shaivism, a kind of idealistic monism which prevailed in the state. It is quite close to Sufi mystical in Kashmir which also explains the peculiar Kashmiriyat culture which has provided harmony among Hindus and Muslims in the Valley. Even in the five hundred years of Muslim period, this culture prevailed there. There was not much difference in the food habits of the two communities. The two cultures interacted, modified each other and intermingled to accommodate each other. Sanskrit and Persian continued to be the main languages of the state. All this created a genuine blend of the best of the two. Religiously and culturally there is tremendous commonality of J and K with India, than with Pakistan.

To India the accession of J & K was complete, absolute and legal as per the Independence Act for India for the following reasons:

Legal Accession. Mountbatten, the then Governor-General of India, accepted the Instrument of Accession and the whole of J and K became an integral part of India legally and constitutionally and therefore India refutes Pakistan's allegation that J and K accession with India was not legal.

Procedural Correctness. When the Indian Independence Act was passed by the British Parliament, British power of British India was transferred to India and Pakistan. As for the 562 Princely States, Britain put an end to paramountcy, leaving it to the rulers of the States to arrive at such arrangements for the future as they thought proper with the governments of India and Pakistan. It was provided that it was open to every Princely State to accede either to India or to Pakistan. The Act did not provide that the Instrument of Accession was conditional. Significantly, there was no provision for consulting the people of the Princely States concerned for their option. Nor was there any provision that the accession had to be ratified by ascertaining the wishes of the people. Pakistan's view that J and K should form part of it, due to its Muslim majority and the fact that Pakistan came into existence as a Muslim state, is legally and constitutionally wrong and untenable.

British Government's Stand. The British government announcement of 3 August 1947 said that the British government wished to make it clear that the decision announced (partition of united India) related to British India and that its policy towards Indian states contained in Cabinet Mission Memorandum of 12 May 1946, remain unchanged. The Memorandum said:

His Majesty's Government will cease to exercise power of paramountcy. This means that the right of the states, which flow from their relations to the Crown, will no longer exist and that all the rights surrendered by the States to the Paramount Power, will return to the States. Political arrangements between the State on one side and the

British Crown will thus be brought to an end. The void will have to be filled either by the State entering into a federal relationship with the Successor Government or Governors in British India or, failing this, entering into particular political arrangements with it or them.

Unquestionable Fait Accompli. The Government of India Act 1935, as adopted under the Independence Act of 1947 says: "An Indian State shall be deemed to have acceded to the Dominion if the Governor-General has signified the acceptance of an Instrument of Accession executed by the Ruler thereof." None of the provisions of this Act which created the Dominions of India and Pakistan can be questioned by either India or Pakistan or the United Kingdom, which were parties to the agreement.

The Ruler's Decision. It was entirely for the ruler of J and K to decide the future of the state, taking into account what was best for it. The question of religion did not come into play at all, specially when it did not suffer from religious hatred and tolerance and communal divide did not exist there.

Support by the National Conference. Although not specified in the Act or even required, yet the accession was supported by the National Conference, the largest political party in J and K. To quote Sheikh Abdullah who was then the leader of National Conference:

When the raiders were fast approaching Srinagar, we could think of only one way to save the state from total annihilation; asking for help from a friendly neighbour. The representatives of the National Conference, therefore, flew to Delhi to seek help from the Government of India but the absence of any constitutional ties between our state and India made it impossible for India to render any effective assistance in meeting the aggression. Since the people's representatives themselves sought an alliance, the Government of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of the State. This the Maharaja did. Nehru also conceded to send the Indian Army to the valley only after he was convinced that the accession of the state to India,

was the desire of the people, even though it was not a prerequisite in the Act.

India's Responsibility for J and K Security. Consequent to the acceptance of the Instrument of Accession by the then Governor-General on 27 October 1947, the security of the entire J and K became the responsibility of the Indian government. Since Pakistan-aided tribals were continuing their operations, the then Prime Minister of India wrote to his counterpart in Pakistan on 22 December 1947, requesting the latter not to prolong the struggle in the state. The Prime Minister of Pakistan responded eight days later thus. "As regards the charges of aid and assistance, the Pakistan government emphatically repudiate them. On the contrary, the Pakistan government have continued to do all in their power to discourage the tribal movements by all means, short of war." In India's view this categorical denial by Pakistan is very significant, implying that at that stage Pakistan never tried to justify its presence in Kashmir or claim any right to be there. In India's view, Pakistan was fully aware of the fact that its presence in Kashmir was contrary to international law and was fully conscious of the illegality of its action.

Pakistan's Afterthought. The plea later put forward by Pakistan that it went to Kashmir in support of a liberation movement is clearly an afterthought, designed to create a false moral justification for its invasion of Kashmir.

Unchallenged by the UN. The accession of the state to India has never been challenged by the UN Commission for India and Pakistan or the Security Council. The UN Representative in the Security Council declared on 4 February 1948, that "External sovereignty of J and K is no longer under the control of the Maharaja. With the accession of J and K to India, this foreign sovereignty went over to India and is exercised by India and that is how India happens to be here as a petitioner." The legal adviser to the UN Commission came to the conclusion that the state's accession was legal and could not be questioned. This factor was further recognized by the UN Commission in its report

submitted to the United Nations in defining its resolution of 13 August 1948 and 5 January 1949. Both these were accepted by India and Pakistan.

Similarly, the representative of the USSR said at the 765th meeting of the Security Council, "the question of Kashmir has been settled by the people of Kashmir themselves. They decided that Kashmir is an integral part of the Republic of India."

Democratic Elections. Since the accession of J and K in 1947 several successive elections have been held in the state, in which the people have exercised their free will and franchise to elect their government. The seven years of the proxy war planned and abetted by Pakistan since 1990 could not keep away the people to exercise their constitutional rights in 1996. On the contrary, in defiance of the militants (Pakistan's) threat, the voters turned out to cast their votes in unprecedented numbers.

No Role for UN. In the view of the Government of India, the UN Commission resolutions have become obsolete, specially after the Simla Agreement of 1972 (Appendix F). This view was also expressed by the UN Commission itself as far back as 1949 and has been reiterated by Gunnar Jarring (1957) and Dr Graham (1958), both UN representatives, by commenting that the passage of time, change of circumstances and Pakistan's repeated and continued violations have ruled out all possibilities of implementing these.

A Reading of Pakistan's Mind-set. India does not regard Kashmir as the core issue and believes that even if Kashmir issue is resolved, the conflict with Pakistan can take some form or other. There is a section of opinion that Indo-Pak conflict is more than a mere crisis of identity. It is in fact the urge of a Muslim nation to destabilize and destroy India, which is perceived by Pakistan as a Hindu nation. India apprehends that Pakistan has an urge to avenge the defeat and secession of erstwhile East Pakistan in 1971.

The Indian government feels that the army, ISI (Inter-Services Intelligence), the Islamic fundamentalists and the political parties in Pakistan have a vested interest in keeping the bogey of the "Indian threat" alive. It is also of

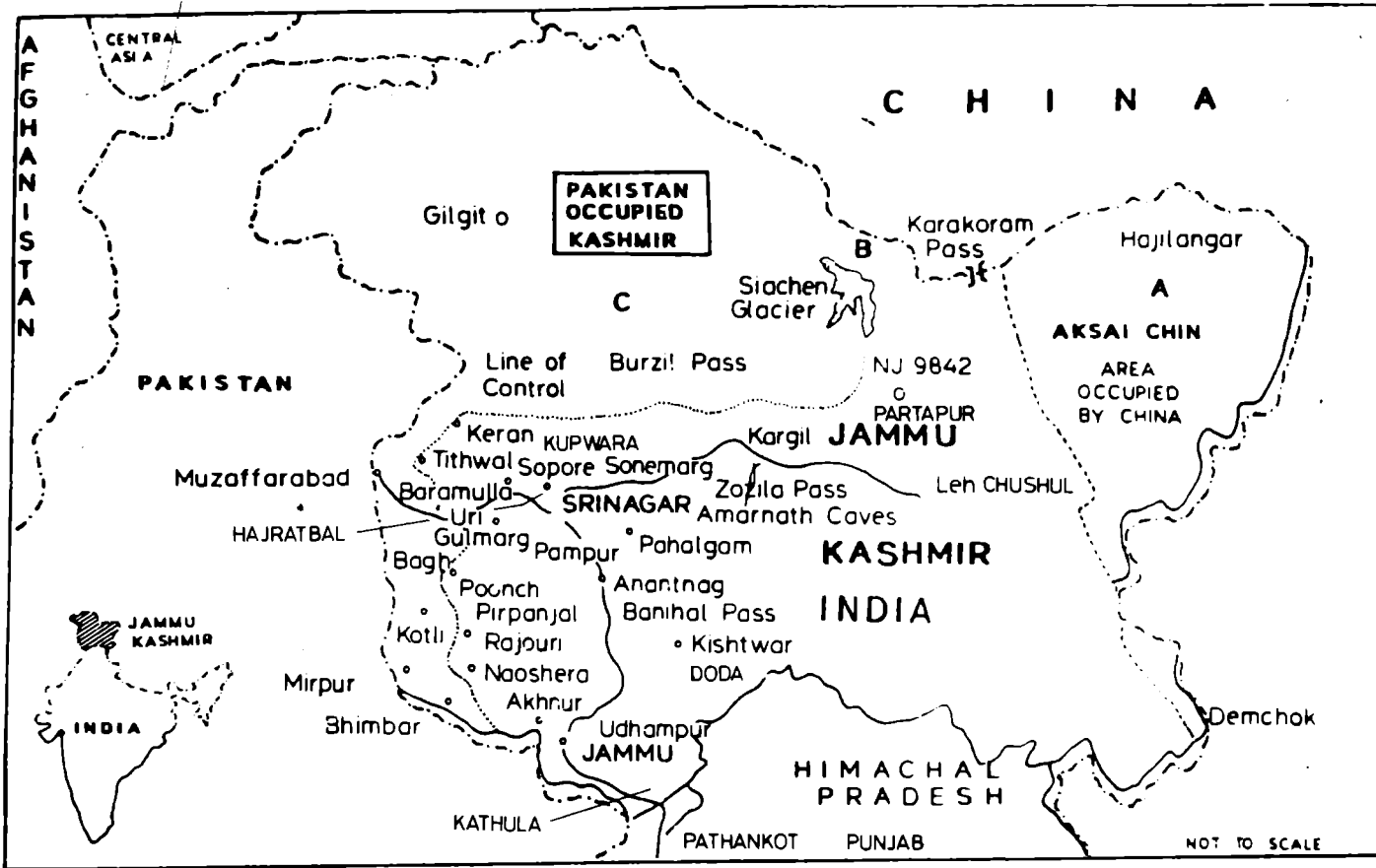
the view that the two main political parties in Pakistan compete with each other in proving their patriotism at the cost of India.

Pakistan's Phobia. India perceives a phobia in Pakistan to annex Kashmir. It tried to achieve this aim militarily three times but having failed in its mission in all its attempts, ventured in proxy war, launched in late 1989. India is convinced that it is a well-organized and consistent Pakistan plan to subvert the authority of J and K government, create chaos, inspire terrorism and secessionism, raise the cry of Jihad and open the flood-gates for Islamic fundamentalism with international linkage. The plan for the proxy war were hatched in Pakistan and executed through its agents.

Strategic Importance. In India's perception J and K is strategically very important to it to contain and counter its likely adversaries in the future, so as to keep them at a distance from its heartland and provide the much required depth.

A Problem with No Easy Solution. A section in India thinks that the conversion of line-of-control into the international border can be a possible solution to the Kashmir problem. It would, in the first place, be difficult to convince the people of India and Parliament that giving away of about 8,500 square kilometres of erstwhile J and K state area to Pakistan would be in the interest of a durable peace. Pakistan would think nothing less than the merger of the valley with it would be acceptable (which is totally unacceptable to India). There is another school of thought in India that the only remaining part of resolution of the J and K problem is the redeeming of Pak-Occupied Kashmir.

Jammu and Kashmir (1993-94)



- A Under Chinese Occupation
- B Area ceded to China by Pakistan
- C Pak and Northern areas under Pakistan

3. THE PLACE, THE PEOPLE AND THEIR HISTORY

To comprehend the complex situation of J and K, one may need to go into its physiography, history and demography. The physiography of an area has a significant impact in shaping the character and culture of its people and also on its history, which has some relevance to its present environment. It is apt to know what attracted the various invaders to invest this region in the past and why it is so significant not only to India and Pakistan but also to other regional and global powers. An analysis of these factors will help to understand the problem better and possibly to gaze its future in correct perspective.

It is our common experience that beauty draws attention and the more a thing is beautiful, the more it invites attraction. The region of J and K falls in this category. When God carved the world he perhaps had special moments in modelling and locating the north-western region of India, He made J and K fascinating and significant on two accounts.

First, the area was bestowed with an abundance of natural beauty. Its praises cannot be contained within the narrow confines of language. Kashmir is verily an emerald with lush green valleys, brimming with high and silvery snow-peaks and dense fir forests. Below in the valleys flow rivers big and small, echoing melodious music as they flow by. Not to forget the fragrance of charming flowers and juicy sweet fruits.

Who would not be attracted to such a paradise on earth? J and K is indeed a heaven for tourists. The Mughals would

brave the heat of Punjab and the treacherous hills of Pir-Panjal to trek all the way from the plains of India to sojourn in the valley. Younghusband went even further to explore the virgin beauty of Ladakh.

Second is the significant location of J and K. The state lies in the western extremity of the Great Himalayas, merging there with Hindukush, the Karakoram and Central Asia. Fifty kilometres of the Wakhan corridor separates it from Russia. It is this juxtaposition which has made it an area of clash of interests both in the continental and global strategies. The clash of interest between the various emperors, kings, raiders and countries has caused perpetual tensions, wars and raids in the area.

These two factors have not changed since time immemorial nor are they going to change in future. In fact, as the world shrinks due to the intensive use of electronics and other high technology and as the human race swells, demands and aspirations would rise and with these the greed. In consequence, this area will become more and more an area of conflict of interests between various nations.

Physiography

A study of the physiography of the region is an essential backdrop to understand the J and K problem. Physically, religiously and economically J and K can be described as region of regions. It can be defined under three distinct regions—Ladakh in the north-east, the valley in the centre, and the plains and hills of Jammu in the south. Ladakh, also called the moonland, is bounded by the Karakoram in the north and the Great Himalayas and Pir-Panjal in the west and the south.

North of Ladakh, in Pakistan-Occupied Kashmir (POK) are Baltistan, Hunza, Nagar and Gilgit and in the south are the valleys of Lahaul and Spiti of Himachal Pradesh. In Ladakh there are a series of mountain ranges, 15,000 to 26,000 feet high, running north-west to south-east; between them are the valleys of the Indus, Shyok, Nubra, Zaskar, Shuru, Dras and so on.

LADAKH

Ladakh is linked with Kashmir valley and rest of India by two axes, namely, one via Pathankot Jammu-Banihal (9,200 feet) Srinagar-Zojila (11,300 feet) Kargil-Leh road and the other alternative axis emanating in Himachal Pradesh and running from Kulu to Manali-Rohtang-Keylong-Baralacha (about 18,000 feet) Upshi to Leh. On a dry day it takes about two days for a loaded truck to cover the distance from Pathankot to Srinagar/Manali and another three to four days to reach Leh via Zojila/Rohtang.

However due to the heavy snowfall, both roads get blocked for six to seven months in a year. Thus Ladakh remains land-locked for more than half the year. All essential commodities for the region for the winter are therefore stocked during the limited six months or so of summer by use of road transportation. During the land-locked period, air transport is the only means of communication with the rest of India, which is not only very costly but gets limited due to the substantial drop in load capacity of aircraft in high altitude and abortive flights due to frequent bad weather spells. The remoteness and isolation of the region and the consequential logistic problems make Ladakhis feel that they have been somewhat neglected.

Demographically Ladakh can be divided into Ladakh East (Leh) and Ladakh West (Kargil). The people of Leh are predominantly Buddhists (about 80 per cent, 20 per cent being Muslims) and are more akin to the people of Lahaul and Spiti of Himachal Pradesh; the people of Kargil are Shia Muslims (about 80 per cent, 20 per cent being Buddhists) and can favourably be compared with the people of Gilgit and Skardu. The demographic distinction between Leh and Kargil areas has given rise to both intra- and inter-regional apprehensions and suspicions.

Likewise, the Shia Muslims of Kargil do not find themselves very comfortable with the majority Sunni population of the valley and are often found to be fence-sitters when it comes to choosing and taking decision between Leh and the valley. For instance, Leh pressed for the Hill Council

for many years and got it in 1996; Kargil has not yet made up its mind.

THE VALLEY

Next is the central region of the Kashmir Valley (5,000 feet). It is like a cup with green lush base, brimmed by the high lofty Great Himalayas in the north, Samsabari range in the west and Pir-Panjal in the south and the east. Azad Kashmir (POK), comprising about 4,000 square miles (10,000 square kilometres) area and controlled by Azad Kashmir government, with its capital at Muzaffarabad, lies in the west, across the Samsabari range.

North of POK are the Northern Areas of approximately 26,000 square miles under the direct control of the government of Pakistan. Samsabari range, which runs almost parallel to Krishanganga river (known as Neelam Nadi in POK) is key to the defence and security of both the valley and the major portion of POK. The Cease-fire Line (CFL) of 1949, subsequently modified and renamed as Line of Control (LC) in 1972, runs along this ridge (north of Uri), partly along the crest line and partly immediately west or east of it. Many famous battles have been fought between India and Pakistan on this range since 1947. Even today it is kept hot by daily gun duels by the opposing forces.

The range is a mix of high barren razor-edge peaks and low and high hills with large number of spurs covered with thick forests of deodar and fir. Between the spurs are deep *nallas* and ravines, which swell in rainy season. Although the Army is deployed on the Samsabari range, the difficult and hostile terrain forbids holding and guarding every inch of the ground continuously round the year. *The line-of-control therefore cannot be totally sealed.* It is for this factor that although the thickening of force on the line-of-control reduced the infiltration from hundreds (at one point and at one time) in the early nineties to groups of five to ten infiltrators now, it could not eliminate the crossings totally. For some distance, south of the river Jhelum and Uri bowl, the line-of-control runs along the Samsabari. The infiltration in this area is mainly from Poonch and Rajouri sectors.

In the valley, Jhelum and its tributaries play havoc during the rains, causing enormous damage to human life and property and also disrupting intra- and inter-district road communications.

The main population of the valley comprise Sunni Muslims with small pockets of Shias mainly in Budgam area. There are Sikh pockets in Baramulla, Tral and Anantnag areas. In 1989, the ratio of population in the valley was 80 per cent Muslims and 20 per cent Hindus and others. However due to large-scale migrations in the late eighties and early nineties, it is now (1997) about 97 per cent Muslims and about 3 per cent Hindus and others.

The people of the valley can broadly be divided into *four* categories. The *first* category are those who reside in the urban pockets of Srinagar, Anantnag, Baramulla and Sopore. The majority of them (in urban areas) have become rich through corruption and malpractices. They have political clout, are in government jobs and/or in business and dominate others.

Then there are those who belong to the remote rural areas; they have small landholdings which they cultivate to meet part of their annual food requirements; their remaining needs are met through the government-subsidized supply schemes.

The *third* type are the people who live on either side of Samsabari and are somewhat different from others. They call themselves Paharis and are akin to Punjabis.

The *fourth* category comprise the migratory population of Gujjars and Bakkarwals. With their herds and cattle they move north in the summer months to the grazing grounds of Pir-Panjial, Samsabari and Great Himalayas, returning to Jammu, Poonch, Rajouri areas in south for the winters. Over the years, they have built innumerable dwelling mud-huts, (locally called *bheak*) on low and high mountain ridges. The remote and isolated dwellings come very handy to the militants to live and hide in and operate from.

Kashmir is connected with Jammu and the rest of India by the national highway Jammu-Patni top-Banihal Tunnel-Srinagar. The national highway which is aligned along the

base and waist of the young Himalaya is prone to frequent land-slides and shooting-stones blocking the traffic for periods ranging from a few hours to several weeks. The entire supply for the valley and that of 90 per cent for Ladakh is dependent on this single artery. The other pre-partition (1890 vintage) road, in disuse since 1949, is the Murree-Kohala Domel (all three in POK)-Srinagar road.

The divergence of terrain in the valley influences its climate. While the mountains are sub-vivean, the valleys are sub-tropical. As the altitude increases, it presents different types of climate. Snowfall in the valley varies from one to three feet in the vicinity of Jhelum river to about eight feet in the foothills, whereas on the ridge line of mountains it can be up to twenty feet or so. Thunder-storms and cloud-bursts are frequent and are followed by heavy rains and devastating floods. Winters are characterized by severe cold, snow and blizzards, paralysing normal life. The autumn months are very pleasant with clean and bright days.

JAMMU

The southern region of Jammu comprises Jammu proper, Doda, Udhampur, Kathua and the border districts of Poonch and Rajouri. It is separated from the valley by Pir-Panjal in the north. West of it lie the POK areas of Bagh, Rawalakot and Kotli and south and south-east are the POK/Pak areas of Mirpur, Sialkot and Dera Baba Nanak.

In the west, it is flanked by Punjab (east) and in north-east by Yol, Dharamsala and Chamba districts of Himachal Pradesh. Whereas the areas of Poonch and Doda constitute of high lofty mountains and Rajouri of low hills and small narrow valleys, the rest of the area up to river Ravi in the east is plain, interspersed with rivers, *nallas* and broken country.

This terrain is prone to infiltration, specially in the mountain area of Poonch and along the beds of Ravi and other rivers. The Doda area in the north is conspicuous due to its high-peak mountains, thick dense forests and lack of communications—making it a favourable ground for operations by the militants. There are well-marked Gujjar/

Bakkarwal tracks over Pir-Panjal between Doda and Anantnag area (south Kashmir) along which the militants switch, when pressurized either in Kashmir or Doda areas.

Jammu is connected with the rest of India both by road and rail communications via Pathankot corridor and over the strategic bridges of Ravi and other rivers. The railway terminates at Jammu but it is being extended up to Udhampur. Government also plans to extend the rail line to the valley—cutting through the Shivaliks and Pir-Panjal and negotiating the young Himalayan mountains.

Although no one may question the need for this extension, it would have been prudent to first spend the Rs 2,000 crore (earmarked for the railway extension) on converting the existing national highway between Jammu and Srinagar to a four-lane road with a number of tunnels so as to make it a hundred per cent traffickable throughout the year. Spending on railway extension at the time when there is paucity of funds is a sample of misplaced priority of the government. Also extensive maintenance and additional security resources will be needed to make the railway line between Udhampur and Srinagar reasonably commercial as and when it is completed.

Coming back to Pathankot-Jammu link, both the road and rail links in Jammu plain run uncomfortably in close proximity to the international border (IB), so much so that in Samba area these are less than five kilometres from the Pakistani Rangers' posts and are prone to security threats. It is surprising how and why these vital communication links were not given the requisite security depth by routing them via Thein Dhar-Udhampur in the interior. Probably it was a political decision, overriding the security factor.

Demographically Jammu can also be divided into four categories—Muslims and some Sikhs of Poonch and Rajouri areas; predominantly Dogras of Jammu plains; fifty-fifty mix of Muslims and Hindus in Doda district and the migratory population of Gujjars and Bakkarwals, mentioned earlier. Due to the water-sheds formed by the Shivaliks and Pir-Panjal, Jammu region experiences frequent thunderstorms and cloudbursts causing flash floods and enormous

damage to life and property and disruption to communications. The higher regions of Pir-Panjal experience heavy snowfall.

This much for the three regions which, though belong to one state, are quite different from each other.

Area and Population

The total area of erstwhile J and K state (prior to 1947) comprised 2,22,236 square kilometres, of which as of now Pakistan occupies about 35 per cent, besides illegally ceding 2.5 per cent area to China. China grabbed 17 per cent of area in 1962. That leaves only 45.5 per cent territory with India. J and K is the only state out of the old 562 Princely States which was one of the largest and which has been so badly mutilated due its divided control of three nations, namely, India, Pakistan and China.

The 1,38,832 square kilometres of area under Indian control comprises 96,701 square kilometres of Ladakh; 15,838 square kilometres of valley and 26,293 square kilometres of Jammu. The 1981 census gives the total population of the state as 5,953,897, of which 1,33,091 (mostly Buddhists) were residents of Ladakh; 31,30,190 (predominantly Muslims) in the valley and the remainder 26,90,616 (mainly Hindus) in Jammu area.

An analysis of these figures highlights two facts. *First*, that almost 89 per cent of the area of J and K, comprising Ladakh and Jammu accounts for only 47 per cent of the population whereas the remaining 11 per cent of the area, namely, the valley accounts for almost 53 per cent of the population. *Secondly*, from this population ratio it emerges that since the concentration of the population is in the valley it enjoys a major say in the affairs of the state. This has a bearing on the distribution of seats in the state Assembly. As per the delimitation of 1996, whereas the valley has 46 seats, Jammu (37) and Ladakh (4) have combined seats of 41 in the state Assembly. These figures become more significant when viewed with the fact that the border areas of Jammu region, namely, Poonch, Rajouri and Doda, having

large number of Muslim population, have an affinity with the people of Kashmir.

Pre-Independence History

At this stage it may be apt to take a brief stock of some of the significant events from the history of J and K, as the past has relevance to the present. To start with and as a matter of interest, let us see how the name Kashmir came about. There are various theories. As per one school of thought, it was called Ka-Samirā; signifying a land from which water (*ka*) is drained off by wind (*samira*). According to another interpretation, Kashmir is *prakati* (nature), *kas* meaning channel and *mir* mountains. There is yet another version which opines that Kashmir or *kash* was named after its inhabitants called Kush.

Mythological tradition associates the initial period of J and K with the Hindu gods like Brahma, Shiva and Parvati. The earliest reference to Kashmir can be found in the Chinese documents of AD 541, referring the valley as *Ku-shih-mi*. The vast presence of Naga worshippers before and even after the Buddhist period testifies that the first residents in the valley were aborigines, who later spread over India. Subsequently the Aryans invaded from the north-east and mixed with the local aborigines. The physical features and ethnic culture, distinct from the surrounding races has given rise to several conjectures—one of them connecting the people of the valley even with the Jews. It can therefore be said that Kashmir race is a mix of aborigines, majority of Aryans, Jews and some other races.

Kashmir has a long and chequered history. Despite the formidable and near-impregnable frontiers, comprising lofty peaks and inhospitable terrain aggravated by a hostile climate, it has been invaded frequently. The several invasions bear testimony to the significance of J and K which attracted the attention of invaders.

The historical perspective of the region can be divided into several significant periods:

- (a) the pre-Islamic period (up to 1320);
- (b) the early Muslim period (1320–1586);
- (c) the Mughal period (1586–1752);
- (d) the Afghan period (1752–1891);
- (e) the Sikh period (1819–1846); and
- (f) the Dogra period (1846–1947).

PRE-ISLAMIC PERIOD

During the pre-Islamic period, the valley was ruled by Brahmins and non-Brahmins, Buddhists etc. Prominent amongst them were Gonandas, the Damodarans, the Pandus—the Mauryas, the Kushiaras, the White Hans, the Karkotas and the Loharas. Gonanda I was the first ruler, since whose reign some semblance of chronological history of the state can be traced. There is a belief that during this period Kashmir was split into numerous small Brahmin kingdoms. However, in course of time it led to feuds and inter-group fights and some Brahmin kings appealed to one Daya Karan, a Rajput from Jammu region to restore the situation and rule the valley. History connects Daya Karan with Jambo Lochhan, the founder of Jammu city; some associate him with the line of rajas of Mathura.

Thereafter, one after another came the thirty-five kings of the Pandu dynasty. During the reign of one of them severe earthquake struck the valley. Lying in the seismic belt, the valley has been experiencing frequent earthquakes.

Next to rule the valley was the Maurya dynasty, of which Ashoka (272–231 BC) stands out predominantly. His kingdom extended from Bengal in the east to Hindukush in the west. A staunch follower of Buddhism, he erected numerous *viharas* (monasteries) and preached the philosophy of religious tolerance. This influenced Kashmiri culture immensely. Towards the end of Ashoka's rule, the country was harassed by *mlechhas*, presumably the restless Mongolian hordes from Central Asia who were in search of new pastures and homes. Ashoka was succeeded by Jalauka, who reverted to the worship of Shiva. The Mauryas were followed by Kushara dynasty.

Yueh-chi, a Turkish race, invaded Kashmir and

subsequently captured the entire northern India—from Afghanistan to Banaras. During this period, Buddhism received a serious setback in Kashmir and its decline commenced.

The White Hans dynasty (528–627) came next. Their kings favoured Brahmins and hated Buddhism. They were followed by Karkota dynasty (627–948), during whose period the Chinese pilgrim Hiuen-Tsang visited the valley. In his accounts he describes the Kashmiris as “light and frivolous and of a weak, pusillanimous disposition. The people are handsome in appearance but they are given to cunning. They love learning and are well instructed.”

In the reign of the Karkota dynasty the valley prospered and a number of developmental works were undertaken. However, during the closing period of their reign there were successive struggles between the rulers and usurping uncles, cousins, brothers, ministers, nobles and soldiers, undoing a lot which was achieved by their predecessors. The last dynasty of pre-Islamic period was the Lohara dynasty (949–1320)—a period of short reign of various kings, murders, suicides, conspiracies, rebels and fiscal exactions.

The end of Hindu rule in Kashmir can be attributed to the indifference and clashes between the Brahmins and the Buddhists and lack of security of the frontiers. However the period can also be described as a period of great learning and cultural activities. Kashmir Brahmins who were already well versed in Sanskrit also acquired proficiency in Persian (which later became the state language).

A word about Kashmir Shaivism, which is a kind of idealistic monism. It surfaced in Kashmir some time between the eighth and ninth centuries. It has two schools—the *Spanda caste branch*, whose followers deny the necessity of God having a prompting care on a material cause for the creation of the Universe. God, according to them, is independent and creates merely by force of His will all that comes into existence. He makes the world appear in Himself. The other branch, *Pratyabhijna*, accepts the doctrine of creation of the individual and the supreme souls as set forth by the *Spandacakra*. But the way of the perception of

the identity is recognition. Whereas the Spanda school recognizes God in some form or vision, the Pratyabhijna School maintains that recognition of oneself as God is the way. In this respect Kashmiri Shaivism is quite close to Islam. This also explains the peculiar Kashmiriyat culture which has provided a sort of harmony between Hindus and Muslims in the valley.

EARLY MUSLIM PERIOD

Islam made its entry into Kashmir by gradual conversions, for which the influx of foreign adventurers, both from South and Central Asia, had made the ground. One reason for the conversions was the growing deep desire of lower-caste Hindu society to improve their social conditions. Even though Islam spread, the administration remained in the hands of Brahmins. Sanskrit continued to be the official language for a considerable period after the end of Hindu rule. There was also not much difference in food habits between Hindus and Muslims, except for some orthodox Pandits who did not even take onions, garlic, etc. The two cultures interacted and modified to accommodate each other. When Islam flourished the caste system weakened; and under Hindu influence Islam lost some of its asperity.

When Turks, Afghans and Mughals dominated north India, the upper class of both communities came closer. Their fraternization created a genuine blend of the best of the two, giving rise to what we call the Urdu culture. The contact between the masses was even closer since the bulk of the Muslim lower class were converts from the lower-caste Hindus who retained part of the Hindu ritualism. This is much more applicable to the Kashmiriyat culture. Even the 500 years of Muslims rule could not root out the superstitious Buddhist and Brahminical permeation in the valley.

Sultan Sadr ud-Din or Rinchana was the first Muslim ruler of Kashmir. Rinchana was originally a Buddhist from West Tibet, who converted to Islam. One of the personalities of the period was Sheikh Nur ud Din whose tomb at Charar-e-Sharif, about 26 kilometres south-west of Srinagar is visited by thousands of people even today.

THE MUGHAL PERIOD

After the Sultan and Chak rule (Muslim feudal lords from the south-western region) (1320–1586), Kashmir came under the Mughal rule (1586–1752) which began with Babar, continued with Humayun and Mirza Haider Dughalat and flourished under Akbar. The Mughal rule ushered in an era of stability and cultural activities. Kashmiri artisans touched heights of excellence; the administration improved and trade and industry grew to enviable proportions. Art and education came directly under the crown. Exquisite gardens, laid out during the Mughal era, bear testimony to their love for nature.

The Mughals were genuinely concerned about the welfare of the people. The frequent visits of the emperors to the valley and their involvement stimulated its trade and encouraged its industry. The rule was allied to the middle class. The excellence of Mughal rule was due to their policy of uniform administration in all *subas*, one official language, uniform coinage, strict adherence to two to three years tenure of civil officials in one appointment, frequent flag marches by the Army, frequent visits and inspections by senior officers, genuine creative sense for art and culture, and last but not least, the humane approach.

During this period one Pandit Raj Koul, a scholar of Sanskrit and Persian, came to the attention of Mughal rulers. At the emperor's instance, the Koul family migrated to Delhi in about 1716 and later came to be known as the Nehru family of Allahabad.

THE AFGHAN PERIOD

Nadir Shah's presence in Afghanistan and his subsequent invasion of Hindustan had an adverse influence on all provinces, particularly on Kashmir which was not far from Kabul. In 1752, the Afghan ruler Ahmed Shah Durrani annexed Kashmir and made it part of the Afghan dynasty. They ruled through governors. In 1810 when strife and struggle erupted between the various claimants of the throne, Atta Mulla Khan, the then governor of Kashmir declared his independence.

In 1814, Ranjit Singh invaded Kashmir and by 1819 Kashmir came under the Sikh rule, much felicitated due to the ruined relations between Kabul and Kashmir.

Art, Craft and Administration during Muslim, Specially Mughal Period. Before passing on to the Sikh period, we may pause to take an overview of the progress of art and craft and the quality of administration in Kashmir during the Muslim rule, specially the Mughal period. *Madrasas* (schools) for teaching the Quran were established in all important villages during the Sultanate period. A notable woman—Lalla Arifa greatly influenced the Kashmiri mind. She was equally popular amongst the Hindus and the Muslims—both claiming her to be theirs. Originally a Hindu, she was imbued with Yoga philosophy. The industries which prospered during the Muslim period were stone-cutting and polishing, bottle-making, gold and silver-work, copper-work, willow-work, fur-work and arms-making.

A word about the state army which mainly comprised infantry and cavalry. The officer class predominantly came from Marges and Chaks. The majority of recruitment for the army came from Poonch, Rajouri, Budil, Baramulla and Muzaffarabad (POK) areas. The soldiers were brave and proficient in the art of war. They fought many successful battles, specially during the Sultanate period.

However, the Mughals who gave several benefits to the Kashmiris also tended to weaken their spirit and courage. There is a story, quite possibly apocryphal, that, enraged by the brave resistance offered by Chaks to his army in Kashmir, Akbar decided to disgrace the people of the country. He forced the army to wear *pherenn* (gown), which not only hampered their movements while fighting but also emasculated them.

According to another story, it is said that later during the reign of Maharaja Ranbir Singh (1857-85), when an army contingent was ordered to march from the valley to Jammu, the army officers pointed out that in making arrangements for their move no police protection had been provided. Over a period the Kashmiri character changed and he was dubbed a coward—a man frightened to even

touch a gun. This decline in his character can be attributed to various factors like: nature and attitude of government; the environment of plenty and penury to which he was exposed. Due to low literacy and lack of higher education, the people got involved in gossip and false and absurd rumours. However, today, the situation is different; Kashmiri can no longer be bullied and frightened so easily.

THE SIKH PERIOD

The Sikh contact with Kashmir can be linked with the visit of Guru Nanak to the valley. On the decline of Mughal rule in Delhi, the various Sikh military rulers in Punjab started declaring themselves independent from the Crown. One of them, Ranjit Singh, consolidated his position. Shah Zamun of Afghanistan gave him the kingdom of Lahore in 1799. On Shah's retirement to Kabul, Ranjit Singh declared himself as sovereign Maharaja of Punjab. He captured Kashmir in 1819 and by the time he died in 1839, he had extended his rule over Multan and Peshawar. After several generations of Muslim rule, Kashmir once again passed into the hands of non-Muslims.

After the death of Ranjit Singh, Sikh power commenced weakening and their kingdom got divided into three parts: one part remained with the Sikhs; the second was annexed to the British; and the third part was awarded to Gulab Singh of Jammu as reward for a meagre sum for his services rendered to the British. In 1845 war broke out between the Sikhs and the British in which Raja Gulab Singh held himself aloof and did not help his benefactors.

The Sikh rule in Kashmir lasted twenty-seven years, during which it saw ten governors. They were harsh on Kashmiris. Being preoccupied with their affairs in Lahore, they hardly paid any attention to their outlying province of Kashmir. There is possibly another reason for their somewhat indifferent attitude towards Kashmir. According to G.T. Vigris, Ranjit Singh knew that the greater the prosperity of Kashmir the stronger would be the East India Company's inducement to invade Kashmir which he wanted to avoid.

THE DOGRA PERIOD

In 1842 Raja Gulab Singh (Dogra) became interested in the valley. By 1846, he extended his rule up to Kashmir. The Dogras ruled till October 1947. The term *dogra* is geographical rather than ethnic, being applied to inhabitants of the land between rivers Chenab and Ravi/Sutlej. The title encompasses Hindus, Muslims, Brahmins, Rajputs and others. According to another theory Dogra comes from the Rajasthani word *Duggar*, meaning mountains. It is believed that warriors from Rajasthan founded the principality of Jammu. Dogras are religious, hardworking and brave.

At this stage, the Sikhs were gaining strength and the British were not finding it comfortable or to their liking. With a view to curb the power and spirit of the Sikhs and in order to cut the Lahore kingdom to size, the British signed two treaties with Raja Gulab Singh. By the first treaty signed on 9 March 1846, the state of Kashmir was handed over to the British on indemnity equivalent to one crore rupees. It included the hilly area between Beas and the Indus. By the second treaty (Appendix K) signed seven days later on 16 March 1846, the British government handed over to Gulab Singh all the hilly and mountain areas lying between Ravi and Indus for a sum of Rs 75 lakh. The amount which Gulab Singh agreed to pay was actually the indemnity of a crore of rupees imposed on the Sikh government. The Sikhs were unable to pay the indemnity and consequently agreed to hand over Jammu, Kashmir, Ladakh and Baltistan to the British.

Nevertheless, the British retained the possession of trans-Beas portion only, including Manali and Nurpur (now in Himachal Pradesh), giving the remainder to Gulab Singh. Gulab Singh was vested with the title of Maharaja. Many may wonder why the British parted with Kashmir for a very paltry sum. The reasons may be found in a letter written by Sir Henry Handings to the British Queen initiated three weeks before the treaty was actually signed. It appeared to the Governor-General that it would be desirable to cut the Sikh rule to size. He wrote:

to weaken the Sikh State which has proved itself too strong—and show to all Asia that, although the British government has not deemed it expedient to annex this immense country of the Punjab, making the Indus the British boundary, it has punished the treachery and violence of Sikh nation, and exhibited its power in a manner, which cannot be misunderstood. . . . For the same political and military reasons, the Governor-General hopes to be able, before the negotiations are closed, to make arrangements by which Cashmere may be added to the possession of Gulab Singh, declaring the Rajput Hill States with Cashmere independent of the Sikh of the plains.

This is one reason. The other view is that the Board of Directors of the East India Company could not sustain Lord Handings' forward policy of expansion for bringing about the second Sikh war, causing a large expenditure burden. To find money to defray the war expenditure, the above deal was struck.

It is a matter of conjecture what course the Kashmir issue would have taken in 1947, had the British decided to annex it in 1846 like Punjab rather than selling it to Gulab Singh. It may also be interesting to note that the original treaty was modified and Chamba (in Himachal Pradesh) was redeemed in 1847 by giving it in exchange of Bhadarwah and Lakhimpur to Gulab Singh. Kashmir may have become part of Punjab or perhaps carved as a separate British province. Had the latter happened, the economy of J and K would have improved and industry flourished as it happened in Punjab. Probably the J and K issue would not have been there! Probably the Indo-Pak relations would have been cordial! All these, of course, are conjectures.

Gulab Singh extended his territory to absorb Basohli, Bhadarwah, Kistwar, Bhimbar, Rajouri, Skardu covering an area of 84,471 square miles. He laid heavy taxes. Cultivation suffered and Kashmir continued to remain in drooping spirits. The replacement of Persian with Urdu (c. 1917) opened the doors for non-Kashmiris to enter the valley looking for adventure and employment. However this led to some bitterness between the Kashmiris and non-Kashmiris.

The 101 years of Dogra rule (1846-1947) saw a spate of famines, epidemics, earthquakes and big fires. Despite these, the communications improved. The Jammu-Srinagar cart track was converted into a motor road. Sialkot (Pakistan) was connected to Jammu by rail. Telephone communications expanded. In short, the period ushered in an era of modern age. The state boundary was extended from the erstwhile Punjab to the USSR and China.

The state rendered substantial military help to Delhi by sending its contingents to curb the Indian revolts and to help the Allies in the world wars. However, on the negative side the administration lacked active sympathy with the aspirations of the people. The plight of the poor remained bad. The administration was incapable of meeting the challenges and stress due to natural calamities and corruption. Consequently, it led to a national movement and forming of All National Muslim Conference in 1931 under Sheikh Mohammed Abdullah.

Comments

The immense natural beauty of J and K and its strategic location have made it very attractive and significant. Its juxtaposition with its boundaries with, or in proximity with Afghanistan, China, Russia and Pakistan have made it an area of clash of interests.

In the same light, the location of India in South Asia makes it strategically very significant in the global and regional game plans of superpower(s) or other big powers. In their scheming they apprehend the growing strength of India and do not want to see it as an emerging power in the region. In this context they find J and K as a ready-made ground and an issue to orchestrate their respective political, diplomatic, economic and military plans to meet their vested interests.

J and K is a “region of regions” with three distinct areas, namely, Ladakh, Kashmir and Jammu. Each is conspicuous by its individual geographic, ethnic, religious, cultural and economic identity. No other state in India has so much of

diversity and variations as J and K. Moreover, the people, specially from Kashmir, have remained aloof and have not really joined with the mainstream of the country. The majority of them do not want to leave the valley.

The environment, Buddhist influence, Pandits and Pirs have made the Kashmiris mystical, imaginative and superstitious. Various visitors and writers have described the people as lively with immense liking for pleasure. A Kashmiri, they say, enjoys Safari, Shikara, Shabab and Kabab. Suppressions by the various rulers over the years have made the average stay-at-home Kashmiri timid; tyranny lowered his spirits and frequent natural calamities turned him pessimistic. However with the passage of time and challenges he is changing.

Those who ruled Kashmir did not show much concern and involvement in improving the living conditions of the commoners. Most of the time, an indifferent attitude and corruption prevailed. Not much effort was made to improve the state economy and provide it a broad and sustainable economic base.

Despite there being two major communities in Kashmir, namely, Muslims and Hindus (mainly Pandits), there is a peculiar mutual affinity and respect. There is a lot of tolerance giving rise to Kashmiriyat culture in which both communities live in peace and love. It has imbibed the best of Hinduism and best of Islam. The Muslims are not as fundamentalist as their counterparts in the rest of India. The common binding of Kashmiri however led to a feeling of opposition to non-Kashmiris.

Due to the hazardous terrain, *it is not possible to totally seal the line-of-control (LC)*. Although the frequency and number of trans-LC movements can be reduced, they cannot be eliminated completely. Also the broken terrain in Jammu plain, specially along Ravi and other riverbeds, are prone to infiltration.

4. CONFLICTS

1947-48 War

The conflict between the India and Pakistan can be traced to the events of the early forties. The divide-and-rule policy of the British government and Jinnah's burning desire to see through the two-nations theory gave rise to hatred, distrust, communal riots, arson and killings between Hindus and Muslims. While inheriting the respective newly constituted nations in 1947, these anti-communal feelings were also inherited which later manifested themselves in Indo-Pak conflicts. During the fifty years since independence, there have been several minor and major conflicts between the two nations in which J and K was involved. The main conflicts were the wars of 1947-48, 1965 and 1971.

It is not intended to describe these campaigns and battles in detail; however a brief on these will be relevant for following the subsequent events, for appraising the present and crystal-gazing into the future. Since the aim and concept of the operations by the Indian Army have already been covered by various writers and are already known in great detail, an attempt is being made here to cover more on Pakistan's likely aims, pattern etc. of these wars.

As has been mentioned earlier, the psyche of the leaders of the two nations at the time of partition was conspicuous by its distinctiveness. The Indian National Congress got independence from the mighty British government through its non-violent approach. On assuming the government seat in Delhi, it acquired a make-believe environment of idealism, based on peace and coexistence. In its wisdom, it believed

that once Pakistan was formed, the Muslim League and Pakistan would have achieved their aim and thereafter they would not have any future evil design on India. The Indian government did not perceive any threat and consequently it did not attach much significance to areas of strategic importance which might have security bearings in the future. India also did not have any expansionist designs.

On the other hand, Pakistan which had forced a domain for itself was still not contained. It was simmering under a complex feeling of smallness and was ambitious to grab as many Princely States as possible. As mentioned earlier, Jinnah had designs on Hyderabad, Junagarh, J and K, Bhopal and Jodhpur, on the ground of either their majority Muslim population and/or they being ruled by Muslim kings. Whereas the fate of a number of other states was decided in favour of India, mainly because of their location in its heartland, the future of Jammu and Kashmir hung fire due to the indecisiveness of Maharaja Hari Singh. Jinnah cajoled both the Maharaja and Sheikh Abdullah to annex J and K with Pakistan but it did not materialize.

By August 1947, Maharaja Hari Singh had lost the support of the Muslim-majority areas and the situation in the state was becoming alarming. Even some of the state force personnel had defected to the invaders. Finding the Maharaja vacillating between joining one of the dominions and desiring to continue with his rule and getting to know of the communal riots and desertion in the army, Pakistan ventured on planning and launching a tribal invasion in J and K. The venture was given the code-name OPERATION GULMARG.

In September 1947 the advantage lay with Pakistan. India at this juncture was not on the scene. On 20 October 1947, Pakistan-sponsored tribals invaded J and K. On 26 October 1947 the Instrument of Accession was signed and the Indian Army landed in Srinagar on the following day to save it from the clutches of Pakistan. When the first companies of 1 SIKH under Lt Col D.K. Rai on board Indian Air Force Dakota were approaching to land, it was not certain whether the Srinagar air-strip was still in the hands

of the state forces or it had fallen to the raiders. However, as it transpired, the tribal invaders had wasted almost three days in rape, loot and arson in Baramulla, which delayed their reaching Srinagar and thus the air-strip was safe for landing.

Following the initial landing, there was a build-up of the Indian troops and the air-strip and Srinagar city were saved from falling into the hands of the invaders. The landing of the Indian troops at Srinagar in the nick of time, delay by the invaders to address Srinagar and mustering of all the available local resources by Sheikh Abdullah to fight the invaders were the turning-points which saved the valley. But for these actions, the fate of J and K would have been quite different.

During the 1947-48 campaign, many a heroic battle was fought, specially in the areas of Budgam, Nowshera, Jhanggar, Poonch, Uri, Zojila and Turtok. By 27 October 1947, the raiders had reached the outskirts of Budgam, a village overlooking the Srinagar air-strip. Srinagar city at that time lay almost undefended. Had the company of 4 KUMAON, which followed 1 SIKH not occupied the Budgam heights and repulsed the attack of the invaders the air-strip would have fallen to them and Pakistan would have converted it into an airhead. This would have not only helped Pakistan to build up its force by air transportation to Srinagar air-strip, but also denied India the much-needed tactical air base.

Such are the events and great moments which make the difference between defeat and victory. Once the air-strip was secure in the hands of the Indian Army, the build-up of forces in the valley followed, which helped in saving Srinagar city. It further facilitated the Indian troops' advance led by 1 SIKH to Baramulla driving the invaders beyond Uri.

The other important battles of this campaign involved linking up of Nowshera-Jhanggar-Rajouri and Poonch with Jammu. It was a difficult task, as the advance involved going over a poor road axis, dominated by heights on either side. It was a slow and time-consuming process but the

gallant soldiers of the Indian Army achieved their task with perfection. Zojila was another area where the epic battle was fought. Zojila pass (11,300 feet) had (and continues to have) a crucial administrative, tactical and strategic significance for India.

In the forties, Srinagar-Zojila-Leh was the single artery, (Manali-Leh road was not commissioned then) connecting Ladakh with the valley and the rest of India. Hence Zojila in Pakistan's hands implied cutting off entire Ladakh from rest of J and K and making the task of the raiders to capture Ladakh easy. The raiders were already heading towards Leh, Kargil and Pratapur. It was a bold decision by the Indian Army commanders to employ tanks to dislodge the invaders from the heights, dominating the Zojila (pass). Never before in world history, were tanks used and used effectively at such a height.

Let us now see what was happening in Pakistan all this while. In Pakistan's view, of all the wars, the 1947-48 war stands out as the paragon. The formative period of Pakistan was characterized by political uncertainty, lack of economic resources, underdevelopment and a deep sense of insecurity. The explanation of this is easy. The advocates of the two-nations theory and the Muslim population were not confident that Pakistan would be a reality one day and that too, so soon. Hence they were not mentally prepared for it and when it did happen, they developed a sense of insecurity. It was a period of survival for them. (*This sense of insecurity continues even today*). Jinnah, the creator of Pakistan was also losing his hold on his party. On the military scene there was some inexplicable fear from India in the minds of Pakistani generals. This fear could have been due to factors such as the larger size of India, its larger military force as compared to that of Pakistan, quick accession of Hyderabad, Junagarh and other Princely States with India and command and control of Pakistan's forces in the hands of British officers.

The operations in Gilgit, Skardu and Baltistan went Pakistan's way. India saved the valley, Poonch, etc. but its expected summer offensive in 1949 to liberate the remaining

part of J and K (POK) did not materialize and Pakistan got the respite.

Nehru abruptly ordered “no further advance” and the ensuing Indian summer offensive was dropped—a decision for which India has paid heavily for the last fifty years and will continue to suffer, God knows for how many years more. This issue has been discussed further in a later chapter.

To the Pakistanis, the aftermath of the 1947-48 war has left a shooting-pain in their hearts which will continue till Kashmir is annexed. Without Kashmir they feel a pang of emptiness. Kashmir is an obsession for them. However, they attribute their failure to annex J and K in 1947-48 to their lack of grand strategy; their lack of maintenance of aim to go for Srinagar when it was almost undefended for take and their lack of proper political direction to the local leaders. Pakistan also faltered for not giving due tactical importance to the Jammu-Ravi-Samba corridor and not addressing it simultaneously with operations in the valley, Poonch, Rajouri, Nowshera and thus isolating J and K from the rest of India.

On the Indian side, the government failed to have any threat perception and evolve contingency plans. Consequently it had to react in a hurry when Kashmir was invaded. The Indian Army however responded splendidly to drive the invaders and Pakistan Army from the heartland of J and K. But thereafter India made a grave blunder by not exploiting the advantage to capture Muzaffarabad in the summer of 1949. On its capture, the entire Northern Area of Gilgit, Skardu and POK would have fallen in India’s lap and the line-of-control (if any) would have been resting today further west on river Jhelum, almost coinciding with the international border.

How would one describe the 1947-48 Indo-Pak War briefly? Perhaps as “a war where each side threw the advantages gained to the winds”. Pakistan had the advantage in mid-October 1947 and the valley and the entire J and K was there on a platter for take. It wasted the advantage for reasons mentioned above. India saved the day by landing its Army at Srinagar on 27 October and by

the end of the year driving the invaders across the Samsabari in the west. The advantage was now with India to go for the kill and annex the entire J and K. However, it ordered its Army to halt its westward advance and, still worse, took the issue to the UNO.

In conclusion, the result of the match (war) was a half-won, half-lost war. Pakistan failed to grab J and K but got hold of Azad Kashmir and the Northern Areas. India further helped Pakistan by going to the UNO and internationalizing the issue. India saved Srinagar and the valley in the nick of time from falling in the hands of Pakistan and got control of two-thirds of J and K territory. But it failed to reclaim the remainder one-third of the state. The war broke the state in two parts and left an unending conflict between the two nations and avoidable miseries to the people. The war was a drawn match, leaving behind problems which are being compounded due to political pressures, political instability, inaction and the vested interests.

1965 War

The 1965 war was yet another abortive attempt by Pakistan to force a decision on Kashmir. At the initiation of Britain in 1963, India and Pakistan were brought to the negotiating table to settle the J and K issue. However, it failed due to the divergent views of the two. Whereas the Pakistan delegation (Zulfikar Ali Bhutto) offered a mere 3,000 square miles of Kathua area, out of the total 85,000 square miles of the entire J and K, the Indian delegation (Sardar Swaran Singh) was willing to only realign the cease-fire line to Pakistan's advantage. Since the proposal lacked substance and confidence it did not make any progress. The UNO also failed to make any headway to resolve the issue.

The 1948-64 period was an era of vanishing hopes for Pakistan. It was also losing the international response due to an efficient and effective Indian diplomacy. However, following the theft of *Moi-e-Muqadass* (relic of the Holy Prophet) from the Hazratbal shrine in 1963, there were anti-national sentiments in the valley. Article 370 of the

Indian Constitution (wherein the two heads of the state would be named Sadr-i-Riyasat and Prime Minister and Auditor and Accountant General of India would have no jurisdiction over J and K and so on) also changed the situation considerably. Against this backdrop, Pakistan was developing a sense of uneasiness. In frustration, Pakistan planned to capture J and K by guerrilla tactics.

A bird's-eye view of the situation in Pakistan *vis-à-vis* other countries in the early sixties will be relevant here. The geopolitical environment in Pakistan in 1965 was influenced by SEATO and CENTO pacts. Pakistan had joined the American-sponsored pacts and expected to gain political and military mileage to get the J and K issue resolved in its favour. As a part of the defence pact Pakistan received sophisticated equipment. The fifties saw a period of US-Pakistan friendship. The rapport changed a little in 1961 due to the Democrats coming into power in the USA. Pakistan was becoming apprehensive of emergency military aid to India from USA, Britain and Commonwealth countries to counter the Chinese aggression in 1962. As for the USSR, it was concerned about Pakistan's alignment with the USA, the West and China. It remained an Indian ally.

The relations between China and Pakistan received an impetus after the Sino-Indian conflict of 1962 leading to the construction of the Karakoram Highway. Pakistan's relations with Afghanistan were not cordial since it had raised the question of Pakhtoonistan and had laid claims on a portion of Pakistan Frontier Province. Although Pakistan's relations with the Muslim world were cordial, as the events unfolded they were limited mainly to moral and economic support. Internally, there was some political stability due to the long rule under Field Marshal Ayub Khan.

India was still recovering from its humiliation of the 1962 conflict with China. It was busy in reorienting its policy on the restructuring, regrouping and re-equipping of her armed forces. India's industrial base was building up gradually. On the external front, however, it had developed good working relations not only with the western world but even with the Muslim world. India was engrossed in improving

its economy with rapid strides in agricultural and industrial fields and strengthening its armed forces.

In the above scenario, Pakistan harboured a desire for moral ascendancy over India. It was also impatient to decide the J and K issue through military action, before India acquired substantial qualitative military edge over it.

The operation, code-named GIBRALTAR supported by OPERATION GRAND SLAM was launched in the spring of 1965. The operation envisaged on short-term basis—sabotage of military targets and disruption of communications in J and K. And as a long-term aim, distribution of arms to the people in the valley and initiation of the guerrilla movements with a view to create an uprising in the valley and rest of J and K. The environment was favourable to Pakistan. The morale and confidence of the Pakistani army and the nation were high. It could bank on Chinese support; even mere fixing of Indian army divisions on the Himalayan border would weaken India's strength against Pakistan to that extent. Pakistan also perceived certain other favourable factors, namely, existence of weak leadership in Delhi, unstable situation in the valley which would be conducive to guerrilla operations and lastly that since its operation would be limited to J and K (line-of-control environment), India would not violate the sanctity of the international border. India was still in the process of recouping its armed forces.

Pakistan's political aim was to create large-scale disturbance in J and K to compel India to take major political and military steps and thus to place it on the horns of a dilemma, i.e. whether to restrict its response to J and K only and thus be exposed to a long-term guerrilla war (which suited Pakistan) or escalate the situation, where the superpowers would step in, which in turn would bring the J and K to the international forum and revive it once again. Pakistan also assessed that in the event of total war, India would aim, initially to seal off the routes of infiltration, then isolate the infiltrators and destroy them and in case of escalation, to cause destruction of Pakistan's armed forces and to capture sensitive territory before the intervention of the superpowers.

Within the above overall aim, the Pakistan military plan evolved round certain salient factors like—creation of a situation of crisis in J and K by fast and deep drive by resorting to guerrilla operations (OPERATION GIBRALTAR) and in case the clandestine operations failed, to have a contingency plan to capture Akhnur in the south, within the line-of-control environment. The guerrilla force was composed of 50 per cent Mujahids, who were ill-trained. The main effort was against Srinagar and the valley. Pakistan was able to successfully carry out infiltration in about a week's time between 30 July and 4 August 1965. Although they were successful in infiltrating deep up to about 100 miles and carry out minor operations they failed to destroy any target of consequence. Pakistan also failed to create the much-planned and desired uprising in the valley.

On the Indian side, its intelligence failed once again and India was taken by surprise. However once the initial shock and surprise was over, reinforcements were rushed in, important installations were protected and limited offensive operations were undertaken in selected sectors. By 30 August 1965, Indian forces captured the Haji Pir pass thus not only gaining domination of Badori Bulge (a salient between Uri and Poonch) but also providing an opportunity to establish a Poonch-Uri link.

Pakistan's OPERATION GIBRALTAR failed.

At this stage, as planned, Pakistan decided to launch OPERATION GRAND SLAM along the Chhamb-Akhnur axis, so as to reinstate the situation and capture some Indian territory for bargaining later. The Chhamb offensive was launched on 1 September 1965 but had to be called off when India launched its counter-offensive in Lahore and Sialkot sectors. The Pakistani troops involved in the Chhamb sector had to be hurriedly diverted to save Lahore and Sialkot.

The 1965 war was of Pakistan's own making, with complete initiative in its hands. However India snatched the initiative by a quick and bold response. Pakistan failed to mobilize the Kashmiri Muslims who stood firmly behind the Indian Army. Pakistan misjudged the local population support of the valley in 1947 and miscalculated again after

eighteen years in August 1965. Pakistan also failed to internationalize the Kashmir issue. Status quo was restored under the Tashkent Agreement of January 1966 (Appendix G) and the strategic Haji Pir pass was returned to Pakistan, which did not help India's short- and long-term interests.

1971 War

The 1971 war was not related to the Kashmir issue. The East Pakistan secessionist movement resulted in the tides turning against Pakistan followed by an all-out war and the creation of Bangladesh. India had to intervene to liberate the erstwhile East Pakistan. Pakistan ordered its forces in West Pakistan to undertake operations in the Western Theatre so as to relieve the Indian Army's pressure in East Pakistan. In J and K, Pakistan once again failed to capture Chhamb and make any ingress in the Poonch sector. On the other hand India improved its position in Kargil and Chalunka areas of Ladakh sector.

A brief analysis of the 1971 war, relevant to Kashmir, can be highlighted. The Simla Agreement (Appendix F) between Indira Gandhi and Zulfikar Ali Bhutto was signed on 3 July 1972. Its relevant article reads:

In Jammu and Kashmir, the line of control from cease fire of 17 December 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides undertake to refrain from threats or use of force in violation of this line.

When India was in a strong bargaining position why did it not attempt to resolve the Kashmir issue once for all? The insertion of bilateral negotiation between the two nations also terminated the role of UNMOG in J and K. The third factor emerging from the outcome of this war was the humiliation suffered by the Pakistan armed forces in surrendering to India and 90,000 defence personnel becoming prisoners of war. It is a painful memory for them, which

gave rise to their resolve for a revenge one day. Like the break of East Pakistan, they now started dreaming of the break of India, namely, in Punjab, in north-east India and in Kashmir. It led to the proxy war of early nineties which is covered in the next chapter.

Siachen

Pakistan made yet another attempt in 1984 to grab a portion of J and K in Siachen Glacier of the Ladakh sector. When the cease-fire line (CFL) was renamed as line-of-control (LC) and realigned after the Simla Agreement of 1972, the area beyond, a geographical point NJ 980420 (north of Turtok in Ladakh) was not defined in detail as the terrain was hostile and could not be reconnoitred. However a general description was given to the line-of-control by stating that the line-of-control would be aligned as “from NJ 980420—running north, along the ridge (Saltoro Ridge)”. However, in the mid-seventies, certain maps printed in the USA showed the line-of-control marked straight eastward (instead north) to Karakoram Pass, which was totally wrong. Subsequently, on 21 August 1983 Pakistan followed by sending its claim of the area to the local Army Commanders.

In the meantime, certain intelligence reports indicated Pakistan’s plan to occupy the tactical pass of Bilafondla (on the Indian side of the line-of-control) on the Saltoro Ridge in 1984. For once, India became active and pre-empted Pakistan’s design by occupying the pass by a heliborne operations on 13 April 1984. It later transpired that Pakistan had planned to occupy the pass on the following day on 14 April 1984. In the subsequent years, the operations there got extended to the entire Saltoro Ridge in about 120 kilometres stretch.

For the last fourteen years, the troops are perched on razor-edge-snow high peaks, ranging from 16,000 to 22,000 feet height. Both nations are paying heavily for the operations in terms of enormous maintenance cost, loss of human lives and large-scale cold and high-altitude injuries. Despite the various rounds of talks between the two

countries, the conflict on the highest battlefield in the world continues, not because of any tactical or strategic significance of the region but because of the political pressures. Siachen however can be used as a flashpoint to escalate the situation locally, along the line-of-control or even extended to the international border, at the time of choosing.

Present Skirmishes and Exchange of Fire

Indian and Pakistani armed forces are deployed eyeball to-eyeball in J and K. There are flashpoints, namely, dispute on water claims, collection of water from springs on the border, straying of cattle across the line-of-control/international border, trans-LC/international border movements and so on, which give rise to frequent fire duels (mortar and artillery included) between the two. At times these get escalated to major clashes like in Kirni in Poonch sector in 1990 and Kargil in 1990 and 1997.

Comments

In all its guerrilla-cum-military attempts thus far, Pakistan failed to annex J and K mainly because it could not muster and mobilize the people's support and cause an uprising in the local population which is a prerequisite for the success of such operations. Pakistan also wasted certain opportunities specially in early October 1947, when it had come so close to achieving its aim but frittered it away. In 1965 it again failed to muster the local feelings to support their guerrilla operations. The humiliation of the 1971 war has made Pakistan, specially its armed forces, to resolve to avenge the defeat by breaking India. It covertly tried this in Punjab but failed. It made abortive attempts in J and K. Pakistan has an obsession that without J and K it is incomplete.

India vacillated, not resolving the J and K issue in 1948 itself when the die was cast in its favour. Instead of going for the kill it halted the operations and provided an opportunity to Pakistan to hold on to Azad Kashmir and the

Northern Areas. Again by going to the UN, India not only compounded the situation but helped Pakistan to internationalize the issue.

All the India-Pakistan wars have proved that the J and K issue cannot be resolved militarily. Over the last fifty years, both sides have developed and fortified their defences on the line-of-control, making them almost impregnable. Wars in the region will only bleed the two nations.

5. THE PROXY WAR (LOW INTENSITY CONFLICT)

Pakistan has made three major military attempts since 1947 to grab J and K. It failed in all its ventures and realized that military means are not likely to give it the desired results. Hence it embarked on a new strategy, a “proxy war” or a “low-intensity conflict” (LIC). Before we discuss the LIC (proxy war) in J and K, it may be prudent to understand its dynamics.

Dynamics of LIC

LIC form of warfare has prevailed for centuries in its various manifestations. It is a low-cost, less-risk and high-gain venture. It is aimed at inciting the population to rise against the state on account of government’s injustice, create discrimination in the various sections in society, discontent and maladministration. LIC gets momentum due to unchecked population explosion, religious differences, mass unemployment and increasing socioeconomic disparities between the haves and have-nots. Its remedy lies within the state.

LIC can be totally indigenous but more often it is aided by an outside force with vested interests. The general environment of LIC is characterized by a lack of sense of security amongst the people and collapse of civil administration leading to near total submission to the militants. *Elimination of the cause of the LIC is the key to counter it successfully: All other means have a temporary and supporting effect only.*

LIC covers a vast variety of armed conflicts. It is a sort of war, although below the level of conventional warfare. It embraces insurgency/guerrilla warfare, terrorist activities and drug operations. It is a complex conflict compounded by the facts that it is contested against its own misguided people and the insurgents get mixed in public which makes differentiating between friend and a foe difficult. LIC aims at encouraging secession in the state, upsetting the existing borders and/or to over throw a legally constituted government. It can be waged by one or combination of political, economic, media and military means. The degree and level of LIC varies according to the aim of the insurgents, credibility of their conviction and outside support. Of these the conviction factor is the most significant.

Some Important LICs Around the World

A brief mention of some of the important LICs around the world may be apt. The Philippines insurgency is a classic case where it was contained and contested right at its initial stages by the partial removal of the cause of the uprising. The Philippines government took stern measures to improve the plight of the peasants by performing, by introducing stringent laws and by being accountable.

The Cambodian conflict can be singled out for its multiplicity of factors. It is conspicuous by its untold long duration and human suffering. The atrocities of Khmer Rouge are well known. Its (LIC's) long duration can be attributed to the series of failures by the government machinery, the major failure being the state's inability to check and eliminate suppressions of the people by the successive regimes, failure to weed out general corruption, its corrupt and ineffective armed forces, and finally the failure to build up a national will.

The centuries-old hatred between Catholics and Protestants in Northern Ireland manifested in LIC in that country. The study of the LIC in Ireland is significant on two counts. First, because of the religious cause of the conflict and secondly the intense employment of the army. The Ireland Army evolved some novel tactics to contain and contest it.

Vietnam provides the classic example of theory and practice of contemporary insurgency and counter-insurgency under non-western conditions. It is the epitome of social revolution with mass peasant participation. It was a well-conceived, finely honed and meticulously calculated insurgency. Economic policy was significant in that the agricultural base touched the broadest common livelihood interests. It was a unique combination of revolutionary leadership and peasants' values and interests wherein the former were imbued with a desire to establish power based on the latter's broad participation. In Vietnam's LIC, the weakness of the might of military power and high technology was exposed to political power of the peasant people.

From the above examples it follows that each conflict has its own unique genesis, environment, aim and pattern. Hence each insurgency requires specific and different counter-insurgency strategies and concepts, although certain ideas apply commonly to all LICs.

LIC has to be tackled by a multi-dimensional and integrated approach both at the central and the state level. It encompasses various activities like evolving national policies (internal, regional and global), an efficient, effective and prudent social and economic approach and last but not least good governance. Any attempt to secure mileage from it for a vested interest, individually or collectively, can be suicidal to the nation. *The security action, although an essential means to contest LIC is not an end by itself.*

India's Experience in Combating LIC

Independent India has faced numerous LIC situations. The Razakars in Hyderabad in 1947, Kabailese of Azad Kashmir in J and K in 1947, the Naga insurgency in the early fifties, the Naxalites and other such movements are a few examples. Indeed, India has had the longest experience in LIC operations. The involvement of Pakistan in abetting secessionism in Punjab and J and K is a recent example.

LIC making inroads in India can be attributed to many reasons. The foremost is the failure of the government to control population explosion. It resulted in scarcity of

resources, which paved the way to economic deprivation, regional, linguistic and communal diversities and demographic shifts from rural to urban areas. It is, therefore, apparent that it would not be apt to totally blame the outside force for creating insurgency in India. The main blame for it lies within. If within is pure, fully dedicated and involved, then it is well nigh impossible for LIC to make any inroads. A neighbour cannot be blamed for breaking a family. It is basically the cracks and drifts within the family which are exploited by the outsiders. India could have avoided, checked and contained the LICs by corrective measures by its government, irrespective of the outside support the LIC gathered.

A prominent contributory factor in insurgency in India is the failure of civil administration and police. The failure of these two agencies to show their presence and performance, specially in the rural areas created communication gaps and vacuum between the people and the government which was exploited by the insurgents. Four/five decades back the civil senior officers would make it a point to go to the remotest villages and stay there to get a first-hand feel of the ground realities and meet the needs of the people. They would trek long winding narrow, rugged and leach-infected tracks to reach the remotest villages in Nagaland to find out the problems of the locals and resolve them. They would brave the scorching summer heat and dust of Bihar and UP plains to visit the far-flung villages. To facilitate their move and night stay, dak bungalows/forest-houses were constructed in far-flung areas.

Today these dak bungalows and rest-houses are not being used purposefully and meaningfully. For some inexplicable reasons the civil administration did not inherit the golden *mantra* of "travels and visits" to remote areas from their predecessors. The government officials today tend to be bound to their chairs, papers and telephones. In this state of affairs, administration will suffer and LIC will continue.

It is apparent that tactics of sycophancy and self-gains get priority over good governance. Consequently these lead to corruption and maladministration and the state is divided into two classes: those who have political, economic and

administrative muscle and get done whatever they wish and the others who have no such clout and whose basic needs even are not met. However, the have-nots who are in overwhelming strength repay the privileged lot in their own way by resort to uprising, killing, insurgency and so on.

As has been mentioned earlier, after the 1971 war Pakistan realized that it could not annex J and K through military means. Its humiliating defeat in East Pakistan in 1971 stirred in it an undying urge to revenge India and to break it. The origin of the proxy war in J and K is a sequel to it. Pakistan's obsession for J and K once again surfaced and became stronger. It viewed the J and K not merely as a territorial dispute between the two nations but a question of human rights, integrity and historic destiny of the Kashmiris. Pakistan felt that the issue has for long been dormant and needs expeditious revival. The obsession manifested itself in the shape of proxy war.

A Fertile Ground for Proxy War

Let us pause here to scan the situation in India from 1972. India's response to J and K was that of drift and neglect. India's elite was basking in the glory of its victory in 1971 and almost forgot that there was a Kashmir problem.

In the valley the pro-Indian mood evident till 1950, changed first into sullenness and indifference and then to noxious anti-India complex. The Delhi Agreement of 1952 and the Kashmir Accord of 1975 (Extracts at Appendices H and J) highlighted the differences between the Government of India and Sheikh Abdullah. The Sheikh was arrested in 1953 and later deposed. He was reinstated in 1975. His arrest and dismissal gave rise to the separatist forces. The people in the valley also felt let down by India. The pro-Pakistan elements who were dormant till then surfaced. The blunders by the Indian government, specially from the mid-fifties to the mid-eighties and the frequent change of the Chief Ministers further alienated the public.

By then corruption had seeped so deep in the state system that major chunk of the liberal money allotted by the Centre

found its way into the pockets of a few influential families only. Ironically, the ground was set by India for Pakistan to exploit. Pakistan with heavy doses of pan-Islamic support fomented the seed of separatist movements in the state.

Pakistan's Strategy

Pakistan's proxy war is based on the lessons it learnt from OPERATIONS GIBRALTAR and GRAND SLAM of 1965. The planning of OPERATION GIBRALTAR was conceived by Zulfikar Ali Bhutto, the then Foreign Minister of Pakistan. It envisaged a low-cost, no or less-risk and high-gain venture for Pakistan. It was felt that the concept would suit Pakistan—politically, economically and militarily. However, General Musa, the then Chief of Army Staff showed his reservations on its success on two accounts. First, that there was a lack of adequate plan to foment uprising in Kashmir, a prerequisite for the success of guerrilla war. Second, that the chances of limiting the war to low-intensity conflict only (as assessed) was rather remote. General Musa was of the view that in all probability, the guerrilla warfare would escalate into a total war between the two nations for which Pakistan was not prepared at that time. The events of 1965 war proved General Musa right.

The plans for proxy war were hatched in Pakistan some time in 1986/87. It aimed to subvert the authority of J and K government, create chaos, inspire terrorism, fan the flames of secessionism, subvert the loyalty of the people, kill and kidnap, whip up communal passions and raise the cry of Jihad and self-determination for Kashmir. The examples of freedom movements in Eastern Europe (Romania, Czechoslovakia and others) were cited to motivate the people. Kashmiris were told that if Afghan Mujahideen could throw out a superpower like the Soviet Union, the Kashmiri militants could also get rid of India.

Action Plan

The action plan of the proxy war was based on five major steps:

EXPLOITATION OF RELIGIOUS SENSITIVITY

The foremost of the Action Plan was the exploitation of the religious sensitivity in Kashmiris. The Jamaat-e-Islami (JEI) played a major role in it. JEI is a powerful fundamental organization, operating in the state as also in various other countries. It has a strong base in Pakistan and is equally effective and influential in Kashmir. A staunch advocate of J and K merger with Pakistan, JETI has made inroads in all classes of the society in the valley, be they government servants, police force (rank and file), judiciary, businessmen and other important citizens. The inception of *madrasa* concept to indoctrinate fundamentalism in the young mind was part of the organization's game plan. It created an effective network to foment uprising in the valley. A number of Jihad conferences, rallies and demonstrations were held in Pakistan and POK to express solidarity with Kashmiri terrorists. The organization (JEI) is still intact and operative.

ENROLMENT OF KASHMIRI YOUTH

The next step entailed enrolment of Kashmiri youth, their exfiltration, training on militancy and infiltration into J and K. The plan was executed through such Kashmiri youths who were lured, bribed, trapped, motivated and misguided to turn militants. Pakistan ISI, Rangers and army played a significant role in recruiting the youth.

The unemployed youth in J and K were readily available for enrolment. Had the number of unemployed youth in the state been low, the militant groups could not have raised such a large indigenous force. The militants' (ISI) aim involved expeditious enrolment and exfiltration of Kashmiri youth to the training camps located in Pakistan/POK, through indoctrination and intense training and thereafter a well-planned reinduction into J and K through secret infiltration routes. The selected Kashmiri militant leaders were given safe havens and sanctuaries in POK/Pakistan to establish international contacts. Its army on the line-of-control helped in staging and pushing the militants across the line-of-control.

By 1985, ISI had trained a large number of Afghan

Mujahideen in training camps for war in Afghanistan. These camps came handy for training for the proxy war. About 105 training camps were operational: 48 were in POK, 49 in Pakistan and 8 on the Pak-Afghan border. In addition, fifty-odd transit camps facilitated the move and stage management of the militants. In the early nineties a large number of highly trained and well armed Afghan Mujahideen were infiltrated into Kashmir. They were followed by trained militants from Algeria, Egypt, Lebanon, Saudi Arabia and Sudan. Of the estimated 500 to 600 foreign mercenaries in 1995, about 70 per cent were Pakistanis, 25 per cent Afghans and 5 per cent from other countries.

Motivation was the most important aspect of training. Firebrand ulemas and Mujahideen leaders induced the trainees to Jihad, teaching of Holy Quran and anti-Indian feelings. By 1990, some 5000 Kashmiri militants had undergone training in these camps. By 1991, the figure rose to about 10,000 and later swelled to 20,000 or so.

The syllabus for training included handling of small arms and light medium machine guns, small calibre mortars, use of explosives specially IEDs (improvised explosive device), technique of destroying vital civil and military installations. Training on SVD, Dragnon sniper rifles and 127 mm heavy machine-guns was also introduced subsequently. The trainees were also subjected to battle-inoculation. Selected lot were imparted higher training in guerrilla warfare, mine-laying and in electronics. The period of normal training extended from two to twelve weeks, whereas advanced training lasted up to one year. On completion of training the militants were brought to line-of-control and pushed back to the valley over difficult routes and under cover of poor visibility (night/mist/bad weather). The groups were led by well-trained guides who were intimately familiar with the ground.

SUPPLY OF ARMS AND EQUIPMENT

Along with recruitment and training there was a need for supply of arms, weapons, ammunition and equipment. The arms and ammunition had commenced pouring in the valley

right from the early eighties. Left over arsenals in caches and safe havens of the 1965 war also added to these. Pakistan helped the militants with supply of all types of weapons to include AK-47/56/74 rifles, Kalashnikov rifles, light, medium and heavy machine-guns, small-calibre mortars, rockets, ammunition and explosives. The large-scale proliferation of arms and ammunition in J and K was linked with the invasion of Afghanistan by the Soviet Union in 1979. Arms and ammunition also came through various arms bazars and smugglers.

FUNDING

The other crucial aspect of the Action Plan was funding the militancy. Several international organizations were aiding it. These organizations had links with militant leaders in J and K and with government authorities in POK and in Pakistan. To name some of these—Jammu and Kashmir Liberation Front (JKLF) units in UK and Holland; the J and K Plebiscite Front of New York; the Kashmir Association of North America.

Generous funding was made available for the proxy war by Pakistan. In 1990, Pakistan government opened a special Prime Minister's Fund with an initial deposit of Rs 100 million under the cover head of Welfare and Relief for Kashmiris. Another Rs 50 million fund was opened by the Pakistan government in March 1990. Even the Zakat Fund (Rs 430 million) was diverted by Pakistan for militancy. In addition JEI launched its own fund-collection drive in Kashmir and collected millions of rupees to sustain the militancy. Militants also frequently looted the treasuries, government offices, etc. to supplement their resources. It may be interesting to note that the Hawala episode (in India) surfaced after an interrogation of an apprehended militant in the valley.

INTERNATIONALIZING THE J AND K ISSUE

The last and important aspect of the Action Plan was to internationalize the J and K issue, embarrass India and bring foreign pressure on it to hold plebiscite on Pakistan's terms. The game was to raise the issue in various inter-

national forums and human right organizations. Pakistan gave a religious colouring to the movement and linked it to Islamic fundamentalism. Repeatedly, it placed the issue on the agenda of Organization of Islamic Conference (OIC). It sought support of the Muslim countries. Taking advantage of growth of Islamic fundamentalism in Central Europe, Central Asian Republics, the Chinese province of Xinjiang and West Asia, Pakistan argued that the Muslim states must provide support for Islamization in non-Muslim states.

Kashmiri militants also established contacts with the various drug traffickers in the international world. The ISI aided further by spreading network of these in Kashmir, Punjab and other parts of India. The J and K militants developed a close link with Khalistan advocates. India lies in the middle of the Golden Crescent (Afghanistan, Iran and Pakistan) and the Golden Triangle (Burma, Thailand and Laos) from where drugs are transported to the western world. In this juxtaposition Nepal, Sri Lanka, Pakistan are the conduits and transfer points. Drug smuggling helps militancy in funding, smuggling arms, ammunition and equipment. The Rajasthan border and the broken river bed areas of Sutlej in Punjab and Ravi and other tributaries in East of Jammu plain, being prone to transborder movements, also facilitated smuggling.

ROLE OF THE MEDIA

The Pakistan press openly espoused the cause of militancy on such lines as: right to self-determination; Pakistan's two-nations theory remains incomplete without the accession of Kashmir; accession of Kashmir is an unfinished agenda of partition for Pakistan. The press openly demanded government's active support to the militants by advocating that latest sophisticated weapons, like surface-to-air missiles and like be made available to the militants. They stressed that no war of liberation could be sustained without outside aid.

Pakistan's Presidents and Prime Ministers also supported such statements at various levels and forums. The Pakistani leadership openly supported the militancy in Kashmir, commenting that the victory of Afghan Mujahids in the Afghan

Jehad was a great success for the Islamic world in Afghanistan and that it would also pave the way for the liberation of Kashmir. Links were developed with the separatist elements in other parts of India, namely, Punjab, Nagaland, Mizoram and Tamil Nadu to foment insurgency there. Backing the proxy war was a well-orchestrated multi-media propaganda with the twin objectives of goading the militants to stoke the fire of militancy and to keep the secessionist movement going; and in the international arena to damage the image of India.

Identity of Groups

By 1990, there were over thirty militant and subversive groups operating in J and K. The oldest of these being *Jammu and Kashmir Liberation Front (JKLF)* founded by Mohammed Maqbool Bhat. It stands for an independent, secular and democratic Kashmir, free from the control of both India and Pakistan. It has a broad base. Though it started the armed struggle, subsequently it changed its military stance to more of a political activity. JKLF somewhat fell out of favour of the Pakistan authorities due to their contrary objectives: Pakistan wanting annexation of J and K whereas JKLF stance being for independence.

The next in order of importance is the *Hizb ul-Mujahideen* (HM) created in 1989. It is the armed wing of the fundamentalist pro-Pak JEI and enjoys the full backing of ISI. It is totally committed to the cause of Islam and Jihad and advocates merger of J and K with Pakistan. It enlarged its base in the rural areas of the valley and was most effective.

The other groups operating in the state are:

- *People's League*, a political party working since 1974 having the support of JEI;
- *Students Liberation Front* founded in 1987, which contemplates that Azad Kashmir is in illegal occupation of Pakistan, though of late it has cast its lot with Hizb ul-Mujahideen;
- *Muslims Janbaz Force* which came to the forefront when it kidnapped two Swedish engineers in Kashmir;

- *Hizbullah* is another fundamentalist pro-Pakistan group;
- the *Allah Tigers* is known for forcing Islamic fundamentalist laws.

Apart from these groups there are large number of splinter groups operating in J and K. However due to lack of central control and coordination, there were serious inter-group clashes, resulting in killings and injuries to their leaders and also to rank and file. To bring them under a single umbrella, a United Front through *JKLF Tehrik-e-Hurriyat* was floated in March/April 1993. It was a conglomeration of eleven groups. Among its prime movers are Abdul Ghani Lone of People's Conference, Syed Gilani of JEI and Mir Waiz Umar Farooq of Awami Action Committee.

Then there is *Harkat ul-Ansuar*, an Islamic and pro-Pakistan group, which has been declared as a terrorist group by the Clinton administration in the USA. A splinter of it, *al-Faran* group was responsible for kidnapping of six foreign tourists in 1995 (of these one escaped, another was killed and the remaining four are still missing as of today).

Dukhtaran-e Milat, the women's wing of militants also became active. It was profitably used by the militants to gain information/intelligence, for passage of information, holding demonstrations, making human shields to protect their leaders, and so on and so forth.

The militant groups carried out a number of atrocities on the people. Also because of the individual vested interests, ego clashes and lack of central control, they could not pool their strength to make it a joint force to achieve their aim. Had they been centrally controlled the situation in the state may have been different. A primary target of these militant groups was the local press, to get its backing.

Kashmir Bleeds under Militants' Depredations

The infiltration and induction of arms and ammunition from POK/Pakistan into J and K had really commenced in 1965 when Pakistan made an abortive attempt to grab J and K.

The unused arms and ammunition left behind in 1965 were stored in hidden and well guarded caches. Also, the trans-LC movements continued to some degree till the early eighties. However the movement picked up considerably after 1985 when proxy war was conceived and launched.

From 1986 to 1989, various political organizations were raised to foment uprising in the state and create a conducive political ground for the success of the proxy war. They made inroads in government and police departments and established links with important citizens in the state. While the political organizations were busy creating a favourable situation, the militant groups began to recruit youth in the valley, exfiltrating them to the training camps in POK/Pakistan and infiltrating them back to the valley for operations after indoctrination and training. The militant groups were also busy in inducting arms, ammunition and equipment.

By the end of 1989, the militants had established small and big camps in the forest areas, initially near the fringes and later extended them to the interior areas. Effective, efficient and underground communication centres were developed at strategic areas of Srinagar, Kupwara, Baramulla, Sopore, Gulmarg and Anantnag. In the forest areas there were innumerable *bheks* (mud-huts) of Gujjars and Bakkarwals (nomads) lying vacant in the winter, which became the militants' tactical and administrative bases. Having set the stage the militants now waited for the winter (1989/90) to commence their operations. They chose winter assessing that being locals they would be fully acclimatized to operate in cold conditions, whereas the Indian army and para-military forces would be restrained, specially the fresh inductees from the plains of India.

By December 1989 the die was cast in the militants' favour due to factors like drift, neglect and the Government of India's indifferent approach to the J and K problem since 1972 resulting in total lack of grip of the ground realities and unawareness of the ensuing threat. The state government having moved down to its winter capital to Jammu was not in intimate touch with the developing situation in

the valley and its deteriorating administration. The people in the valley were left in charge of junior administrators whose performance left much to be desired.

The political organizations of proxy war had prepared adequate political grounds by creating anti-Indian/pro-Pakistan sentiments. The militant groups positioned their forces in various areas fully armed and equipped and appropriately poised for launch. As luck would have it (in the militants' favour), this was the period when various successful national and self-determination movements were going on in Eastern Europe, which built confidence among the militants and gave hope of success. The people in the valley also started believing that *azadi* was round the corner. The stage was set.

While Pakistan ISI-supported militants were fully prepared and somewhat overconfident to launch the proxy war, India on the other hand was not fully aware of the ensuing threat, as evidenced by its slow and gradual response. India failed to comprehend the gravity of the situation.

On 8 December 1989 Dr Rubia Sayed, daughter of Mufti Mohammad Sayed, the then Home Minister of India was kidnapped. Failing to resolve the issue, the Indian government weakly relented to release five top militants in exchange for Rubia. On 25 January 1990 four officials of the Indian Air Force were shot dead in broad daylight in Rawalpura, in the proximity of Srinagar airfield. The proxy war had commenced.

The militants first showed their presence and strength in the remote rural areas which at that time were not under requisite government security cover. They created fright in the minds of the masses and the government and police servants by threats, treacherous killings and extortions. Both the local government and police became ineffective and the writ of the militants ran in the valley.

Simultaneously, the political leaders and workers were targeted. On 18 April 1990 Abdul Jabbar, a former state minister was gunned down and on 21 May, Mirwaiz Maulvi Farooq, Chairman of the Awami Action Committee was killed. A number of former legislators of the state Congress unit and National Conference were killed. The minority

Hindu population was selectively targeted, leading to its exodus from the valley.

Along with this, the militants targeted the media men to neutralize and paralyse them and to force them to explicitly expose the militants' views and support their movement by tailored reporting. Doordarshan Director Lassa Kaul was killed by the militants on 13 February 1990. The editors of some newspapers were shot and their offices were ransacked and burnt. Newspapers in the valley turned into a mere voice of militant groups and the editors and journalists became almost helpless. Although terrorized, there were sprinklings of some brave persons who showed courage.

Having created a fear psychosis and influence in the rural areas, the militants now moved to the major towns like Bara-mulla, Sopore, Kupwara, Anantnag, Budgam and Srinagar.

By early 1990, the militants and their political wings were able to muster the support of most of the population. The people were taken by a surge movement and sensed a feasibility of carving an independent nation for themselves. From early 1990, it manifested in large-scale demonstrations, revealing the depth to which the militants were able to penetrate the social life of Kashmiris. Even government officials were forced to join the demonstrations. The masses in thousands and lakhs homed to such central rallying points as Lal Chowk (Srinagar), UNO office (Srinagar), Jama Masjid (Srinagar), Charar-e-Sharif (Budgam) and other such venues. They travelled in buses/trucks and by other available conveyance to hold giant meetings and demonstrations.

If one has to single out the most critical and serious situation for the government during the entire period of the militancy in J and K then it was this mass movement and concentration, because no power can be stronger than the mass of human beings getting together in thousands/lakhs, demonstrating and agitating. The example of USSR is before us. Had this movement not been checked and controlled, the situation would have almost gone to a point of no return.

In order to have their writ run, the militants indulged in large-scale killings of people who did not follow their

dictates. They committed inhuman acts like rape, kidnaping and created a fear psychosis among the people. Their tactics involved liquidation of the Indian support structure in the state, suppression of all political dissent and opposition by fear and terror; oppression and mental torture and communalization of society. They resorted to selective killings and forced the Kashmiri Pandits to migrate out of the valley. The militants also resorted to massacre of innocent people and destruction of their property, atrocities on women and innocent civilians and government and police employees and killing of intellectuals and academics. Their terrorism became a kind of genocide.

Torture deaths included strangling by using wire, hanging, branding with hot iron rods, burning alive, draining of blood, gouging of eyes and breaking of limbs. Summary trials were held to charge the innocents who refused to accede to the militants' pressure and death sentences were carried out in public. The disfigured bodies of such persons were displayed to terrorize the people, specially the Muslims who opposed secession. A large amount of government, private and religious property was destroyed.

In their religious frenzy, the militants attacked beauty parlours, video clubs, bars and cinema halls and forced them to shut down. Women were ordered to strictly follow purdah norms and wear *burqa*. The general environment in the valley was that of mourning.

While the above was happening in the valley and the situation was becoming grave, the militancy got extended to the Doda, Poonch and Rajouri districts south of Pir-Panjal. It surfaced there some time in 1992 and by 1993 became quite active. The terrain of Doda was favourable to the militants due to lack of communications, (which makes the response by the security forces slow) and the hostile terrain of high rugged mountains and dense forests affording safe havens to the militants. Adjoining the Anantnag district in south Kashmir, the proximity afforded the militants to switch their activities from north to south and vice versa when pressurized in a particular area.

The militants targeted the Hindus in Doda giving rise to

communal riots which spread over to Jammu and other districts. To make things worse, the Indian political parties exploited the situation to their own respective vested interests which did not help the government's cause. Because of the proximity of Poonch and Rajouri to POK, the Muslim population therein was exploited by the militants. Militancy in these districts opened new areas and overstretched the security and administrative resources of the government.

The government should be squarely indicted for allowing this to happen for its lack of vision and lackadaisical outlook in reaction. The government was so engrossed and obsessed with combating the threat in the valley that it failed to comprehend the coming threat in the region south of Pir-Panjal. And even when it did, the reaction was too slow. In fact, right from the inception of militancy in 1990, the Indian response has been slow; rather than react by positioning strong forces right at the beginning and nipping the anti-national forces in the bud, India responded by sending the forces in dribblets for which there was no excuse whatsoever.

Compounding the problem was some alliance between the Sikh and Kashmiri terrorists. The pact between the two was a part of the joint effort of ISI and JEI to create separatist movements throughout India including Punjab, Nagaland, Mizoram, and even Tamil Nadu and other states. The militancy bonds between the Kashmir and some Afghan groups also came to light. The Kashmiri Mujahideen had helped their Afghan brethren in Afghanistan in the hour of crisis and had obliged them. They were receiving now appropriate reciprocation.

To return to the militancy in J and K, the conditions there were not very peaceful even in the latter half of the seventies. People could not move out freely, specially at night. Anti-national elements were quite active in the valley, the border districts of Rajouri and Poonch and even Jammu.

India's Response

Right from its independence, the Indian government policy has been conspicuous by failing to make any long-term

threat perception. It got into the habit of being overtaken by events whether it be the population explosion, erosion of social and political value system or tribal invasion of Kashmir in 1947-48, offensive by China in 1962, 1965 operations and militancy in Punjab in the eighties and nineties. Not that the various intelligence agencies did not warn the government of such coming events; they filed periodic assessments but these reports elicited no response from the various offices of South and North Blocks. Such tragic failings could have been avoided to a great extent had the Indian government formed the much-needed National Security Council, which could have tackled these problems appropriately.

A brief resumé of review of the situation in J and K (even at the cost of repetition) would be an apt backdrop to record the knee-jerk responses of India. There were about 20,000 trained militants over and above those who were not so well trained and were directly or indirectly abetting the militancy in the state. Of these, 25 per cent or so were hardcore. There was no dearth of arms and ammunition for the militants. As a rough estimate it could be 40,000 or so of assorted types of arms/weapons and large quantity of ammunition (some of which are still hidden). The militants had a reliable communication network both within J and K as also with their groups and authorities across the line-of-control/international border. Although the army was deployed on the line-of-control, it was mainly to guard against the conventional threat and was not deployed for the normal policing of the border. Due to the conventional deployment on the line-of-control and the hazardous terrain preventing the guarding of every inch of the ground, large-scale exfiltration and infiltration took place since the mid-eighties. The induction of large quantity of arms, ammunition and equipment also continued.

Of the various militant groups, JKLF and HM were emerging as the two main strong groups. The state machinery had become almost defunct. Mosques and *madrasas* were being used by militants as platforms for launching a relentless anti-India tirade and for motivating young boys towards fundamentalism.

India's primary aim was to control and contain the militancy and bring normalcy in J and K to create a conducive environment for the efficient and effective functioning of government machinery. The attainment of the aim involved certain deliberate steps. *First*, isolation of the militants, which implied apprehension and their liquidation and capture/recovery of their arms and ammunition. *Secondly* and more importantly, winning the hearts and minds of the people. Although the first step was a prerequisite for the success of the second, the ultimate success lay in winning the hearts of the people.

At that time, the valley had the army mainly deployed on the line-of-control with its other backing up forces located in the various parts of the valley. Then there were the paramilitary forces, mainly BSF (most of which was deployed on international border in Jammu plain and some units on line-of-control), some CRPF units for law and order, CISF units guarding the installations and ITBP deployed on the line of actual control (LAC) against the China border in Ladakh. Although some of these were diverted and directed to counter the militancy, the force made available was only a drop in the ocean. The reinforcements which came in dribblets, were found insufficient to contain the militancy. Due to the inadequate strength of the force, militancy spread and assumed ascendancy.

The first and foremost step needed was to check and if possible deny exfiltration and infiltration of militants across the line-of-control. As mentioned earlier, till 1990-91, the army deployed on the line-of-control was basically on conventional role. The army was holding the tactical posts, with forward and sideways patrolling/surveillance elements to provide them security. While this deployment continued, militants moved in and out of the valley. The realization to physically guard as much of the LOC as feasible by establishing more posts, by fanning out from tactical posts and by reinforcements and thus enhancing the surveillance crystallized later. Consequently, the infiltration/exfiltration which was taking place in hundreds till 1990, by 1991-92 came down to groups of five to ten militants at a time.

Transborder movement is one of the factors abetting militancy in J and K. If it can be totally checked (although not feasible due to terrain, constraint of resources and so on) or kept to the minimum, then the major problem of the militancy there will itself come under control. In the above context it must be realized that the strength of one militant infiltrator with one arm/weapon on the border gets enhanced by almost ten times when he gets mixed with the general masses and operates freely in the interior. Some quarters have advocated laying of mines on the line-of-control but that is not feasible due to physical and tactical reasons and also in the light of anti-mine-laying movement in the world. Militants also infiltrated/exfiltrated under the cover of heavy machine-guns, mortars and artillery fire on the line-of-control by Pakistan army as it happened in mid-1997 in Uri, Kargil and other sectors. As long as the infiltration continues, number notwithstanding, the militancy in low/high intensity will continue in J and K.

After the line-of-control, the next area of operation was in the interior for which the army and the para-military forces were deployed in a grid pattern in the entire militancy-affected areas. The operations involved locating the militants and liquidating or apprehending them with or without arms/ammunition.

This was a very difficult task for the security forces for various reasons. *First*, the army in real terms is not trained for operations against/involving its own misguided people; its main task being to counter the external conventional threat. The psyche of its rank and file is influenced by this factor. The army is organized, trained and equipped to basically fight a war against an adversary. The battlefield area of operations, the type of enemy/misguided people and psychological environment of the two operations (war and LIC) are entirely different.

Second, whereas in the battlefield it is easy to differentiate between friend and foe, in militancy environment the anti-national elements get merged with local populace and are difficult to identify. *Third*, because of the last factor the army and para-military forces have to be very cautious

in their reactions, as a wrong identification may result in wrong action or death of innocents, which has serious ramifications. On the other hand the militants' design is to get the security forces involved in alienating the public. The militants exploit these to their political and social advantage. In this situation the security forces virtually fought the militancy in J and K with one hand tied behind.

The army and para-military police conducted cordon and search operations, initially confined in the rural areas but later extended these to the urban areas. It implied an undetected approach to a *mohalla* (locality) of a village/town/city; thereafter putting a ring (cordon) of soldiers round it to deny any escape routes to those inside the ring. After that to get the residents collected in an open area for their identification with the help of spotters. While this is going on, the houses and the general area are searched for arms/weapons/explosives or for any hidden militants.

Cordon-and-search is an unenviable task since it causes inconvenience and humiliation to the respected citizens and also to the old, women and children. It creates resentment amongst the people against the security forces. Also it is a time and manpower consuming activity for the security forces. Be that as it may, it is one of the essential features of counter-insurgency operations. However, as time passed, based on the lessons learnt and with a view to minimizing inconvenience to the people, specially to the aged and women, the operations were refined and were scheduled during the day time except in dire emergency. Besides, the duration of cordon-and-search operations were reduced by introducing certain new drills to cause least inconvenience to civilians. The cordon-and-search operations helped in apprehending a large number of militants and their leaders and capturing of large quantities of arms, ammunition, and equipment etc.

Cordon-and-search operations went hand in hand with tactical operations launched against militants camps/ hideouts and their administrative and communication centres. These were based on previous information and intelligence. Their success depended on the credibility of

the information and its timely availability to the security forces to respond before the targets vanished and of course ultimately on good tactics by the security forces. Many such operations were successful and gave effective results. However, there were claims, and counter claims. The two organizations blamed each other too, specially when the intelligence-based operations were abortive. An effective and efficient coordination between the security forces and the intelligence agencies is a cardinal principle for successful counter-militancy operations. Although coordination did exist it did not function to the desired level of effectiveness. Egos, one-up-manship, image-building at each other's expense, inability to appreciate each other's constraints and handicaps and other such factors created snarls.

In addition to the above operations large number of security forces were tied in such duties as protection of vulnerable areas and vulnerable points like bridges, government offices and treasuries, installations, VIPs, escorting of VIPs and group of vehicles/convoys, road protection and road opening duties and so on. As time passed the commitments increased and the operations became manpower-intensive.

Distinct sectors and subsectors were earmarked for army and para-military forces for better command and control and functioning. Numerous posts (bunkers) were established in towns, cities and along the line of communications. On the negative side this gave way to mushrooming of bunkers (small tactical and administrative complexes, constructed of mud-bricks and sand-bags and covered with camouflage nets) all over the countryside, which became tell-tale eyesores.

Civil Administration and State Police

CIVIL ADMINISTRATION

A look into the state of administration and the police in J and K is essential for the study of LIC and for the measures to counter it.. For checking, containing and defeating militancy, army and security forces are essential. However,

in the ultimate analysis, more than the army and paramilitary forces, efficient, effective and accountable civil administration and police are essential. Even a progressive and powerful economy alone cannot ensure the peace and prosperity in the face of a weak civil administration and ineffective police force.

The repeated and continuous use of the security forces in every disturbed situation weakens and damages these vital government structures. The prolonged crutches provided by the army and security forces to administration adversely affect their motivation to stand up and walk (function). As the dependency on security forces increases, the administration and police lose their desire to be functional and crumble at a merest nudge. After all, one cannot look for a military solution to a non-military problem. In this context it may be apt to quote from (Late) General K.S. Thimayya, DSO, Padmabhusan, "If the army is used to suppress minor civil disturbances (control every situation), the general situation would not improve but people would hate the army. No soldier could be expected to fight well against his enemy if his own people hated him."

As mentioned earlier, J and K is conspicuous for its religious and cultural diversity, abundance of natural beauty and resources and varied agro-climatic features. However for almost seven years (1990-96) it was beset with serious administrative problems due to the militancy. It not only took a heavy toll of lives and property but also induced an adverse affect on the administration and the economy of the state. The fall of tourist traffic alone accounted for the loss of about Rs 500 crore per annum. There was a serious damage to public utilities and infrastructures. The recovery of taxes came down to almost nil. The militants' fear adversely affected the administrative machinery. The effective *bandhs* and strikes worsened the situation. A major onslaught of militancy was to disrupt the educational system in the state, replacing it with the *madrassa* system for indoctrinating fundamentalism. It also aimed to break the essential services like health, food distribution to discredit the government.

The other serious problem was that of unemployment. Unemployment had too many adverse effects, the most significant being that the disgruntled unemployed youth became a readily available large source of employment for the militants. The people at the helm—both in state and Centre—continuously failed to recognize this increasing menace and to find some plausible solution. This problem is not limited to J and K alone but is a national problem with serious ramifications. Unfortunately, although much is talked about it, the problem remains almost un-addressed. The nation is paying a heavy price for it today and will, in the future, too.

The Centre exacerbated the problem to the point of desperation by failing to evolve a consensus view and formulating a short-term and long-term policy on J and K. Petty vested interests and squabbles between the political parties and the leaders, rapid changes in the governors and other senior officers, more on whim and fancy rather than on rationale and lastly, the Centre's excessive and unwarranted interference could only result in negative effects.

The majority of the political dignitaries and other senior officers, who visited the valley, rather too frequently, made things worse by arousing false hopes and promising resources, which were not always fulfilled. Their frequent visits caused avoidable strain on the security forces by way of extra security deployment and diverting the state officials for their receptions, meetings, media cover, followed by infructuous minutes of conferences and voluminous follow-up correspondence. The other problem was the ego in some personalities, which became conspicuous too often. Some of them behaved like a big balloon, filled with ego, packed with gimmicks and surrounded by sycophants and jesters. It did not help the cause.

Of the fourteen districts in the state, six districts of the valley and one of Doda were high militancy-affected areas. They needed highly dedicated and very competent District Collectors with foresight and comprehension and mature enough to deal with their counterparts (commanders) in army and para-military forces. For the major part of the

early nineties, the District Collectors in the above districts were mostly promotees from the state service cadre, who were handicapped to meet the requirement on two accounts. *First*, being locals they were exposed to the influence of the local politics and the militant threats to them and their families. *Second*, due to some complex of inadequacy they could not interact with their counterparts in the army and para-military forces freely and effectively. They were even timid and not forthcoming in interacting, freely and frankly with the state secretary-level officials.

These administrative shortcomings were, however, resolved to some extent in 1993 by posting young and dedicated IAS officers with six to ten years service as District Collectors. But they too were handicapped to deal effectively with their counterparts in the army and para-military police, who were twice their age and three times more experienced in service. Notwithstanding the above, one or two of them did an excellent job, of which any government can be proud.

Due to the above factors and in some cases because of the ego problems, the functioning between the three organizations—civil administration, police and security forces left much to the desired. The possible answer to resolve the problem could have been to place two militancy-affected districts under a Divisional Commissioner or Special Commissioner with long and experienced service. But as a long-term measure, the IFAS (frontier administrative service) concept introduced in the fifties needs to be revived in LIC-affected states.

A related issue was corruption. The government job is much sought after in J and K, irrespective of its rank and status because it enables the employee to make easy money without much effort by resorting to malpractices. A young graduate or above prefers to be even a peon in state government service rather than look for some better avenues outside. Some of the class III/IV officials have alternative jobs and businesses. They would normally be absent from duty for most part of the month. They would show their face in the office at the end of the month to collect the salary. The liberal and un-monitored funds allotted by the

Centre to the state went into the pockets of those who mattered. The basic needs and the much required developmental works in the state were adversely affected. Consequently the have-nots became disillusioned and easy prey to the design of the militants.

Rajiv Gandhi rightly remarked that only fifteen paise or so out of every 100 paise of government developmental funds reach the people. The corruption in the state has to be contained for bringing peace and tranquillity, otherwise it will be perpetually exploited by the anti-national elements and the adversaries.

Good governance depends on close touch and good rapport between the administrative authorities and the people. The administrators need to know the conditions, problems and needs of the people. Also to have a personal feel of the performance of the essential services and to assess the progress of developmental work, senior officers' frequent visits/inspections of their departments are necessary. However, over the years the administrators have become chair-bound. Visits and inspections are few and far between. Consequently the performance barometer of the government fell quite low in J and K, the services turned inefficient and the aspirations of the people got shattered.

In all fairness to the officials at the local level, it has to be conceded that they were working under a tremendous threat from the militants. The available security resources did not permit security backing to each and every government servant. But even those who had adequate security cover did not stir out of their offices. Militancy was not the excuse for everyone to be chair-bound; it was a reflection of their indifferent attitude to their designated duties.

The other issue was of the perpetual absence of civil officials posted in far-flung and remote areas. Once inducted into service, the majority of them would stick to the towns and cities and would not move when posted to far-flung areas, on one pretext or another. This practice has become a menace and needs to be addressed appropriately.

It will be unjust to assume that all officials were not dedicated. There were a sprinkling of highly dedicated civil

servants at all levels who were proficient and efficient. But their number was too small to make a difference.

President's rule is a significant part of Indian democracy. Circumstances sometimes compel the Centre to such a recourse to give time to the politicians to recoup, retrieve and assume their constitutional duties as soon as possible. Those who drafted the Indian Constitution incorporated this provision to meet an emergency situation to be used sparingly. The intention was that if President's rule was imposed in a state, the democratic form of government should revert as soon as possible and within 180 days of its imposition and not a day later. President's rule has both pros and cons for the administration. Its positive features are that decisions can be taken promptly and there are no undesired political pressures.

However the most negative aspect is that it is void of people's participation, which is an essential and integral aspect of democracy. To start with, the imposing of President's rule in the state on 19 January 1990 can be debated. An analysis of the situation at that time did not warrant such an action. But notwithstanding this the militancy during the President's rule was contained, creating a conducive environment for elections. However, during this period the aspirations, demands and needs of the people remained much to be desired.

THE STATE POLICE

The police in the state became the first victim of militants. Since police is the guardian of maintenance of law and order, the militants' first aim is to demoralize the force and make it defunct. The militants achieved this in two ways. *First*, they made inroads in the department by inducting their agents into the force. *Second*, due to temptations and/or threats, some policemen tilted towards them.

These are not new but normal LIC tactics. Consequently by the end of 1990 the police force became almost defunct so much so that some police posts were either abandoned or deserted with arms and weapons. The army and paramilitary forces had to be called to fill the gap.

To add to the above, the gap between the officers and the ranks widened. The contact of officers with their men fell to an all-time low because of absence of visits and inspections. The officers were not aware of the working conditions and problems being faced by their men. The militants exploited the situation to their advantage. With the onset of militancy the responsibility of the police force increased enormously, but unfortunately the strength of the police force in the state remained the same. The increased commitments were met by milking the resources from the existing organization and stretching them almost to breaking point. In fact since the seventies no serious attempt was made to reorganize and modernize the force. The recommendations of the successive DGs were left unattended and only gathered dust in government files. In light of this it may not be fair to totally blame the force for its low performance.

The other problem area was the perpetual importing of DGPs from other states which for obvious reasons was not responded to favourably by the state police officers. The inducted DGPs had to get acquainted with the J and K problem and to be accepted by the rank and file, both of which were time-consuming. With no discredit to the imported DGPs who tried their best, this factor did have an adverse effect.

The rank of the force itself up to head constables was good. Even some of the inspectors and sub-inspectors were up to the mark. This lot was smart, physically alert, dedicated and effective. However there were some elements of this cadre who were inefficient or came under the militants' pressures and threats. The real problem was from Deputy SP onwards. Quite a number of them were physically weak and inefficient. Some of them also had links with the militants. Notwithstanding them, there were some outstanding, competent and dedicated senior officers—the best one can hope for. Although their number was low they carried the force to whatever it achieved.

The force was at its lowest ebb during the 1990-93 period. However since 1994, and specially after the Hazratbal episode of November 1993 it took a turn for good. The

abandoned police stations were reoccupied. The force started becoming more effective in their normal police duties. Symptoms of recovery became apparent and ultimately when it started countering the militancy, a special task force was raised. Some of their actions were indeed splendid.

The police force today is good. It is even better than the force in many other states. All that it needs is the much awaited reorganization, motivation and good leadership. Once the force gets these and becomes effective the militancy in J and K will decline considerably.

Unified Headquarters

As has been mentioned earlier there are many government agencies involved in countering LIC and each has a significant contributory role in it. The agencies involved from the civil side are, first, the civil administration, specially its finance and essential service departments and, secondly, the state police. The state government has also to interact with Ministries of Home (MOH), Defence (MOD) and External Affairs (MEA); Cabinet Secretariat and PM's office on various LIC-connected issues. The action of each government agency needs to be directed to a common goal. For ensuring this a formal coordinating headquarters, call it by any name, is a prerequisite in LIC-affected states.

Unfortunately, to this day, despite insurgency and LIC in J and K from 1989 and in such other affected states no effort has been made in this direction. During the President's rule, the state governor is automatically the supreme executive. Although he is best suited for coordinating security-related matters, he also shoulders other important tasks of conducting and ensuring efficient and effective day-to-day administration (which is badly affected in LIC environment). Equally important for him is to revive political activities. Both these imperatives have to be implemented. Although the governor can coordinate important security matters, he cannot, by any stretch of imagination, go into the details and deal with day-to-day security challenges on the ground. Hence the need for a separate

and distinct organization headed by an able, experienced and upright person vested with requisite authority.

There are, however, also certain needless complications. The first and the foremost being who should head the organization. Should the headman come from civil administration, from police, or army? A person from politics in President's rule is ruled out for obvious reasons. Although the civil administration and state police are heavily dependent on the army for their functioning they are not inclined to accept the overall control of an army man or a person from para-military forces as the coordinator to handle the security and connected civil administrative matters. Their reluctance stems from traditional preference for their turf. They do not realize that the turf is no longer a normal ground, but akin to a battlefield. The state police also do not feel too happy to have an army boss over their DGP. These are but the natural reactions of any organization.

The politicians, typically of them, exploit the security forces for their own vested interests. While taking full advantage of security forces to look after their constituencies they do not hesitate a moment to blame them when it is convenient to them, and when it comes to gaining a point or to build their image. For example if the army has to carry out a cordon-and-search operation in their locality, they raise a ruckus because it dents or damages their support base in the future. Their perception is befogged by passion, prejudice, and self-interest.

The security forces, who in LIC environment have the maximum interaction with the public because of constant patrolling and operations even in the remotest areas, become an important conduit between the masses and the administration to meet the public needs, which unfortunately they cannot meet because of having neither the requisite administrative authority nor the financial power. Yet the public looks up to them for redress of their grievances. Wherever possible the security forces do accomplish, using their own resources. In the prevailing scenario, sometimes the security forces (mostly officials at the lower level) forget their basic aim of restoring normalcy (which predominantly implies

revamping of state's civil administration and police) and get carried away and assume the administrator's role which not only lowers the image of the latter in the public esteem but also demoralizes them and makes them virtually defunct.

The general *mantra* for the security forces should be to do everything but give credit to the civil administration and state police. The Army handled this exceedingly well while contesting LIC in Punjab in the later stages. Of course this self-effacement has to be done judiciously so that the security forces are not taken for a ride.

A coordinator, therefore, is essential to ensure that this vacuum is filled and genuine essential demands projected by the people through security forces are met.

The Unified Headquarters in J and K, under the Advisors (Home) in the President's rule played a significant role in coordinating matters between the civil administration, the police, para-military forces, the army and the politicians in the fight against militancy. They could perform because they had the authority (status of state cabinet minister) and were senior serving or retired officers. Their army background came very handy in interacting with senior army commanders. A similar arrangement needs to be made under the elected government in militancy-affected environment since the Chief Minister like the governor in President's rule cannot devote his whole time to security matters.

Human Rights

LIC involves in our times the sticky but human and humane dimension of human rights.

The human rights code encompasses and defines rights relating to life, liberty, equality and dignity of an individual enshrined in constitutions worldwide and therefore rightly embodied in international conventions. The application of human rights code in militancy-affected areas has to be weighed cautiously and judiciously. In LIC the insurgents create an intense fear psychosis environment by ruthless killing of innocents, large-scale abductions and by wanton destruction of private and government property.

Because of chaos and anarchy unleashed by the militants, unfortunately there is a tendency amongst the media and people to project what the militants dictate. These dictates are exaggerated. The human right groups not familiar with the ground realities swallow the second-hand coverage without proper filtering. The human rights groups need to realize the unenviable task of the government and the security forces who have to contest their own misguided people, who easily merge with the populace making the task of the security forces onerous and hazardous. While the security forces and the administration must give utmost regard to human rights, one needs to guard against falling in the trap of the militants or come under any external pressure—orchestrated by the foe (in this case Pakistan) and their allies, real, quasi, and by foreign powers, near or far, who have their axes to grind or fish to fry. Raising the bogey of human rights indiscriminately without proper checking and verification only helps the militants and demoralizes the security forces and the government.

Sometimes the security forces do exceed their brief and commit human rights violations. To guard against these, many members of the security forces, specially from sepoy, non-commissioned officers to the sub-unit level commanders must be briefed and convinced also that the adverse influence of killing or harassing one innocent citizen is manifold as it alienates the public at large. Such an orientation to human rights helps in winning the confidence and hearts of the people and more significantly, it helps in separating the innocent loyal citizens from the militants. Where the security forces violate the human rights code the offender should be appropriately punished. In J and K, the security force operated with great restraint and caution: the innocents and loyal people were not unnecessarily harassed. Wherever violations occurred the guilty persons were brought to the book. Since 1990 about 200 personnel—officers and other ranks of security forces—have been punished for violating the human rights code while contesting LIC in J and K.

While we are committed to human rights maintenance

under heavy fire from militants, from parachuted media and fly-by-night politicians, it is also obligatory on the part of the human rights groups to realize not to invariably come down with a heavy hand on the security forces without going into the whole background. The two major factors which are prerequisite for any LIC are acquiring of arms, weapons, ammunition and the funds which are invariably made available to the militants by outside forces. The human rights groups should bear pressure on such powers for violating the basic code. After all, if there are no weapons and funds available to the militants, there will be no LIC and no need for the security forces to take any action. Why do such organizations not blame the USA and Russia for creating almost free-for-all armouries in Afghanistan, from where the arms and ammunition found their way to J and K and Punjab? Why are there free arms bazars in the world? Why are manufacturing of arms and ammunition not fully controlled and their sale monitored? These are the issues which the human rights groups should seriously attend to, if they genuinely honour the human rights code and are truly moved by intelligent compassion which demands appraisal of the problem at the source or the root. They should bring pressure on such countries irrespective of their power for fanning and supporting the militancy.

Turning-Points and Major Events

Militancy in a state is a campaign, packed with actions and crisis, the pendulum of advantage swinging from one side to the other. It is neither possible nor desirable to give account of each and every action of militancy in J and K. However there were certain turning-points/events relevant to the proxy war which either had negative or positive effect as far as India is concerned. To highlight some of these:

PAKISTAN'S RESORT TO LIC

The realization by the Pakistan government after 1965 war that conventional military option would not get them J and K and the staunch feeling of revenge built up against

India after Pakistan's humiliating defeat and its consequent break-up in the 1971 war became the genesis of Pakistan's concept of proxy war. Pakistan resolved to settle the score by breaking J and K (and also Punjab) from India.

A NON-RESPONSIVE ADMINISTRATION

The large-scale corruption and indifferent attitude of the state government towards the public, ignoring their basic needs, had alienated the people. The state police slipped to an abysmal low-level performance record: so much so that some police stations (*thanas*) were left unoccupied. The people lost confidence in the government and police. The public faith was further shattered by the rigging of the state Assembly elections by the National Conference in 1987. The party lost the confidence of the people who became utterly disillusioned. The militants exploited the situation and made inroads into the police and the other government departments to foment uprising and create a conducive environment for the proxy war in the valley.

ARMY'S CONVENTIONAL DEPLOYMENT

The army on the line-of-control was basically deployed against a conventional threat. This implied holding of tactical posts on heights with surveillance and protective elements pushed forward, basically for their security. The gaps between the posts were covered by periodic patrolling. These gaps, specially where the terrain was hostile provided exfiltration/infiltration routes to the militants. The militants chose the gaps and time for the trans-LC movement when it was not covered. The groups were led by guides who knew virtually every inch of the ground. Consequently, a large number of militants with arms, weapons, ammunition and equipment entered the valley, specially in the eighties.

SOMNOLENT CENTRE

While all this was happening, the Indian government remained locked in its indifferent attitude. The neglect led to destabilizing of the government. The authorities at the Centre failed to perceive the threat looming large on the

wall. The lack of realization and inaction by the Indian government helped the militancy to take deep roots in the valley, which as time passed spread to other parts of the state.

EXODUS FROM THE VALLEY

Yet another turning-point was the large exodus of Kashmiri pandits from the valley. The killings, rape and other brutalities since the mid-eighties forced almost all the Hindu families to migrate. The migration was not limited to the Hindus only but affected some Muslim families too, who fled the valley. Since 1990 about 2,50,000 Hindus and 50,000 Muslims have migrated from the valley and sought refuge in Jammu, New Delhi and other parts of the country. Such a large-scale migration of population gave signal to the people that the militants' writ alone ran supreme in Kashmir. Fearful of their lives and property the people gave in. Whether the migration could have been checked and contained to prevent ethnic cleansing is a matter which should be examined. Gradual and pragmatic steps must be undertaken to reverse the happenings and return the Kashmiris to their homes and hearths.

INACTIVE POLICE FORCE

Since 1990 the state police had become almost defunct. As mentioned earlier, the militants had made inroads in their rank and file. Many policemen deserted to join the militant groups; some, who were still in service supported the militants from outside either due to their genuine conviction in the movement or because of fear and threat to them and to their families. In this period of four to five years since 1990 strong anti-national feelings took roots within the police organization.

To exemplify this with an incident: Mid-April 1993 witnessed a mutiny by a portion of the police force in Srinagar. It so happened that during an anti-militant action in Hazratbal area by the army, a police man on leave was killed, which gave an easy handle to the militants to incite the policemen in service who had sympathy with them to

go on strike and mutiny against the killing of their comrade. They captured the police headquarters in Srinagar. The government ordered the policemen to surrender but they refused. The army planned an operation to evict the policemen from the police headquarters. But before the operation was launched the rebellious policemen surrendered. That was the last time that any element of the state police made any organized attempt to agitate against the government. Thereafter, the misguided policemen realized that they better clean up their act. The police started gradually showing its presence, becoming more effective.

OVER-REACTION BY THE SECURITY FORCES

During the period 1990–95 there were some instances where, while operating against the militants, the security forces had over-reacted, causing deaths of some innocents. This was exploited by the militants as propaganda to incite the feelings of the masses against the security forces and the government. Such untoward actions took place in Sopore, Baramulla, Kupwara, Srinagar, Bijbihara and Anantnag. However the government and the security forces concerned ordered inquiries. Some 200 offender officers and rank-and-file were punished. In one case, the offender was awarded life imprisonment for committing rape. These actions had a positive effect on the people, who saw that the Army and other security forces stood for justice.

EPISODES AT HAZRATBAL SHRINE

There were a number of Hazratbal episodes. Readers will recollect that as back as in 1964 the relic was stolen, creating a crisis in the valley. The then Home Minister, Lal Bahadur Shastri rushed to Srinagar to resolve the issue and cool the feelings of the people. The relic was traced as mysteriously as it had disappeared and calm was restored.

Thereafter, there were a number of instances during the militancy where attempts were made to capture Hazratbal shrine and destroy the relic and put the entire blame for it on the government to create an uprising in the valley. It may be appropriate to give a brief background of the relic.

The *Moi-e-Muqadass* (Hazratbal relic of the Prophet Mohammed) is kept in an iron safe in Hazratbal shrine located at the western end of Srinagar on the banks of Dal and Nagin lakes. It may be noted that Islam does not advocate in keeping and worshipping of any idol, photo or relic of God. However, due to Kashmiriyat, a peculiar culture of religious tolerance in the valley such-like relics are being kept and worshipped in mosques and shrines in J and K.

The Hazratbal shrine has traditionally also been used as a political platform by the National Conference. At *Jumma Namaz* (Friday prayers) and on other religious occasions when thousands of people gather for prayers the platform is also used for political speeches. The shrine and all activities in its complex are administered by Auqaf, a governing body of eminent and prominent citizens and Imams.

Since the beginning of militancy in 1989, the JKLF showed its influence in this complex. Although a detachment of state police was positioned in the shrine, JKLF members also showed their presence there, mainly to thwart any ill designs of the rival group—HM.

To safeguard against theft, the relic is kept in a sealed glass tube, kept in an iron safe in a room with iron grille doors. Nine or so separate sealed locks have to be opened to reach the relic. On special religious days the relic is displayed to the public. The Kashmiris are emotionally and religiously attached to the relic and any damage to it can arouse extraordinary reactions from the public. Pakistan ISI always had plans to exploit these public emotions to their advantage.

In the afternoon of 15 October 1993 it was reported that two locks on way to the iron safe which housed the relic were replaced and that militants (JKLF) had occupied the shrine. The shrine was first surrounded by the state police, which was later replaced by BSF and by midnight the army had taken over and laid siege. The concept was to starve and flush the militants out by denying them food and water. However certain interested people, including some human rights organizations appealed to the High Court to direct the government to make arrangements for their (militants')

food, water and medical facilities. The High Court accepted the appeal. The government appealed to the Supreme Court.

The Supreme Court directed that the hostages be given 1,200 calories of cooked food daily besides the normal medical care. The food was to be served in an open space outside the shrine under the personal supervision of a senior civil officer. However it transpired that militants were fed with sumptuous menu of chicken, mutton, fruits, etc. Contrary to the court orders, food was also being taken inside the shrine. The militants, whose estimated strength varied from twenty to eighty and who were equipped with rifles and machine-guns, were happy and continued to occupy the shrine. While all this was happening negotiations between government officials and the leaders of the militants continued but without any results. The militants were demanding release of certain hard-core militant leaders, who were in custody in government jails and for their own free move out of the shrine with their weapons. Obviously, the government could not accede to these demands.

The militants were in communication with Pakistan ISI who had given them instructions to remain steadfast in the shrine and put pressure on the government for their demands. The locals were getting anxious and even agitated since no prayers had been held in the shrine for weeks. Pakistan left no stone unturned to internationalize the issue. Internal and external pressures were also building up against the continued siege of the shrine. The Congress government at the Centre was keen to resolve the issue early, apprehensive that otherwise it would affect the Muslim votes for them in the ensuing UP elections.

With a view to flushing the militants out, it was decided in early November to strictly follow the Supreme Court orders on issue of food to the militants. This did the trick. By that time whatever ration was stored inside the shrine before the militants occupied it on 15 October 1993 had been consumed by them. The food and water control forced the militants to surrender on the night of 15-16 November 1993. It was a well-planned attempt by ISI to create disturbances, cause uprising and anti-government feelings amongst

the people in the valley and thus to sabotage any plan by the Indian government to hold elections in the state but it failed in its aim.

Although intelligence was found wanting during the entire period, the media was very efficiently handled by the state government. Had the militants continued to stay in the shrine and damaged/destroyed the relic, it would have created serious problems for the government. However, its peaceful resolution without a shot being fired, was a triumph for the authorities involved and for India. It was a significant turning-point in militancy in the valley because after this abortive attempt of Pakistan ISI and militants, the militancy in the state started declining.

An abortive attempt was made again in desperation by the militants in early 1996 to forestall the state elections. The militants once again occupied the shrine due to intelligence failure and the negligence of the state police guard positioned there. The militants cut open all the locks to the safe except the last one. However, timely action by the state police flushed them out from the shrine, but these desperadoes look shelter in a nearby house with their weapons. In the ensuing encounter they lost their lives.

AMARNATH YATRA

Amarnath *yatra* to the holy cave is an annual ritual when thousands of devotees from all over India visit the shrine to pay homage to Lord Shiva. The *yatra* concludes on Raksha-bandan day. The holy cave is situated at 3,888 metres (over 12,000 feet) altitude. A forty-six kilometre track connects it from the roadhead at Pahalgam. The *yatra* involves four to five days trekking (both ways) with night halts at Sheshnag (12,500 feet) and Panchtarni (11,500 feet) staging-camps. Of all the *yatras*, Hindus consider Amarnath *yatra* the most significant as the last *yatra* to shed their bodies in the high mountain abodes of the gods and attain *moksha*. Incidentally, the cave and the *Shivling* were discovered by a Muslim grazier and its donations/offering went to a Muslim village nearby.

Till 1989, the *yatra* was conducted over a period of three

months or so, which facilitated the gradual movement of the *yatris* and their management at various staging-camps. However, due to the changed security scenario since 1990 and need for extensive security arrangements for the *yatris* the *yatra* period was reduced to ten to fifteen days only.

Having failed to create an uprising in the valley, unable to turn the Hazratbal crisis to their advantage and in the wake of waning militancy in J and K the Pakistan ISI-sponsored militant groups imposed ban on the *yatra* in 1994 and 1995 to cause communal disturbance. Due to the militant threats the local government employees and the private hotels, travel agents and shopkeepers refused to participate in the *yatra*. Cancelling the *yatra* would have meant not only bowing to the dictates of the militants but also giving way to the communal emotions and disturbances not only in Jammu but in the whole of India. It would have hurt the sentiments of Hindus, which was the precise aim of the militants. The situation would have also been exploited by the various political parties, having their own vested interests.

Despite various odds, the *yatra* was conducted successfully in 1994 with excellent security and logistic support both from the army and para-military forces. The dedicated civil staff, moved from Jammu to help the conduct of the *yatra*, did its bit too. It was yet another turning-point signifying the victory of the state government over the militants.

The same arrangements continued in the following years of 1995 and 1996 when the local administration and locals also became gradually responsive to meet the requirements, although the main burden continued to be shouldered by the army and para-military forces. The episode of August 1996, when about 243 people lost their lives on the high region of Pahalgam had nothing to do with the militancy. It was a natural calamity of a sudden cloudburst, followed by heavy unprecedented snowfall when the *yatris* were caught unawares while moving along the track.

HOSTAGE CRISIS

The other major event is the hostage crisis of July 1995. It

still remains to be resolved. Till the commencement of militancy in J and K, large number of tourists, both domestic and foreign, visited the valley every year. By the mid-eighties the tourists' annual figure had reached a peak of seven lakhs. However, due to militancy since 1990, it came down to a dismal 10,000 or so in a year. Despite the militancy, tourists from other countries continued to visit the valley, although in dribblets.

A group of foreign tourists arrived in Srinagar by 1 July 1995 and decided to stay in house-boats on the Dal lake. Later they decided to scale the Kolahali glacier in Pahalgam region. While returning from the glacier, the militants kidnapped four foreign tourists, two each from USA and UK. Two more tourists—one each from Germany and Norway were kidnapped on 8 July 1995 from the track leading from Pahalgam to Amarnath cave. Of these six, one hostage (USA) escaped on 8 July in a dramatic manner and was subsequently rescued by the state government. The Norwegian hostage was slain by the kidnappers some time in August 1996. The whereabouts of the remaining four hostages are still not known. An Al-Faran group (not heard of till then) and a splinter of Harkat-ul-Ansar claimed the kidnapping.

HOLDING OF ELECTIONS

The conduct of elections in the state in 1996 was the most significant turning-point. Its major developments are described below in a chronological order to facilitate easy and neat grasp.

Challenge from Pakistan. The prime aim of Pakistan's proxy war in J and K was to create mass fear among the population, to weaken the state government and to make it defunct and to bring about an uprising in the state. It also aimed to indicate to the entire world, that the people of Kashmir are not with India and do not want to participate in any elections conducted by it. To this end, Pakistan was desperate to make all possible attempts to forestall the elections as and when announced. Its aim was to disrupt the democratic process by carrying out large-scale sabotage,

killings etc. and to create incidents which would hurt the sentiments of the people and deter them from participating in the elections. Pakistan's aim of creating the Hazratbal crisis in 1993 and 1995 was precisely aimed at this.

On the other hand, for India President's rule in J and K had lasted too long and it was time that the elections were held and an elected government installed, as soon as possible. The overall situation in 1995 was that the militancy was waning and the people were disenchanted with Pakistan because of the terrorism and hardship imposed on them for almost six years. However the fear in the minds of the masses in the valley still prevailed. There was no such problem in Jammu (except in Doda) and Ladakh. The people in the valley were afraid to voice their opinion openly but were keen for an early democratic set-up in the state.

Return of Political Leaders. As regards political activity, some of the leaders who had left the valley were coming back. The state government had made special arrangements for their board, lodging and security. However there was no meaningful and widespread political activity.' It remained limited to mere gestures. Surprisingly, it was only the leaders of the Congress who were seen going to the public even though there were conspicuous rifts and drifts in the state wing of the party. Amazingly, the Congress high command (Delhi) did nothing to patch up the differences and to strengthen the party in the state. The National Conference at the time was lying low and was dormant. Its leaders were conspicuous by their absence from the valley.

Although the environment was not so conducive for the elections, India had to take some hard decisions. Whether to wait till the conditions became absolutely normal, which was not possible, or near-peaceful and thereby delay the democratic process, or to take a plunge and work through, to fulfil the democratic aspirations of the people. The state government was in favour of the latter. The elections were scheduled some time in May-June 1995 and the arrangements to conduct them were afoot.

However an unfortunate incident took place on 8 and 11 May 1995, at Charar-e-Sharif, when the shrine and the

entire wooden constructed township around it was gutted down. The militants had occupied the shrine for some time. It suited Pakistan because it thought that it would hurt the sentiments of the people, who would come out openly in the streets with anti-national slogans and activities. Pakistan was, however, disappointed and the reaction of the people was minimal.

At this stage, the central government became apprehensive that if the elections were held at that time, the response of the people, their participation and turnout might be minimal or even negative, which would send wrong signals. On the other hand, the state government was of the view that the Charar-e-Sharif incident would not so adversely affect the elections. The central government however postponed the elections.

Improved situation. By the end of 1995, pressure was building up on India to hold early elections in the state. The situation although not very conducive, had improved considerably. Militancy had been reduced to a great degree and the public was also emboldened to voice its opinion against the militants. The militants were not welcomed by the public as they were in early 1990. During this period the militants were denied food, shelter and even free movement. However in the rural areas, the militants forced themselves on the people at gun-point.

Parliamentary Elections. Parliamentary elections were due in the entire India in May 1996. A question arose whether to hold the state Assembly elections first and the parliamentary later or vice a versa or hold them jointly. After considerable deliberation, it was decided to first hold the parliamentary elections.

There were several arguments in favour of this option. It was felt that since the parliamentary election would not be closely linked with the state politics, the reaction of Pakistan and militants would be less. For the same reason, the infights between the parties would not be the same as for the state Assembly elections. Also, since the number of candidates would be less, it would be easier to manage the elections. Particularly from the security point of view lesser

number of security personnel would be needed for the security coverage of the candidates. However, the number of polling-booths, administrative and conducting staff and their security would remain the same for both the options, namely, state Assembly or parliamentary elections.

There were some problem areas which needed immediate attention. First was to fix the time of the election, as the higher regions of the state were still (early 1996) under snow and severe cold conditions made the establishment and administration of the election booths difficult.

Secondly, since the local government officials might not be available (being under threat from the militants), almost 10,000 personnel would be required from outside the state for election duty in the valley. This involved pooling staff from various other states, their training, transportation, arrangements for their special clothing for the winter conditions, reception, move to districts and then to the polling-booths and their security, boarding and lodging and shifting for second/third phase of elections to other districts, and so on and so forth. All this had to be accomplished when the majority of the civil administration, specially at the local level, was not cooperating.

The state Assembly was dissolved in February 1990. By 1995 the state had seen five years of President's rule and there was a clamour from all quarters to conduct the Assembly elections and bring in an elected government, but some uncertainties existed. Was the security environment conducive for the elections? What degree of interference would be mounted by Pakistan and the militants? Would there be any political activity for the elections? Would the voters turn out to vote and, if so, what would be their percentage?

These misgivings haunted the authorities. A review of the situation was taken in September 1995. The security scenario prevailing at that time indicated that the public had become disenchanted with Pakistan and Pakistan-abetted militancy. However it was feared that as and when the elections were conducted, Pakistan ISI with support of all other forces, would make all-out efforts to thwart the

election process by causing large-scale disturbances and terrorism to intimidate the public.

The militants' activities had picked up in the wake of talks of elections. ISI was pumping in more foreign mercenaries to further disturb the situation in the state. More sophisticated weapons were inducted by the militants. Instructions were passed to their rank and file to attack political activities, police and government officials; specially those involved in the forthcoming election process. The Charar-e-Sharif incident and banning of Amarnath *yatra* were clear indications of Pakistan's intentions.

Some of the political leaders who had left the valley in 1990 were returning to Kashmir under government's security cover. However the political process had not really commenced. Although the security situation had shown improvement, threats continued. For any meaningful elections para-military and police forces were needed for the protection of the candidates, their escort during their move, guards at their residence, and so on. It was felt that due to its internal compulsions and game plan—Pakistan would leave no stone unturned to disrupt the democratic process by creating an adverse situation in the valley. It was expected that the All-Party Hurriyat Conference (APHC) would also make efforts to muster mass public support to oppose the elections.

Considering all the factors, including the weather conditions, it was proposed to hold the Assembly elections in the state in October-November 1995 in three phases, for which additional 500-odd companies, in addition to the existing para-military forces in the state would be needed. Apart from this ground support, helicopter sorties to ninety-odd polling stations, extreme-cold clothing and arctic tents and so on would be needed. Since the prospect of the state government employees' cooperation in conducting the elections in the valley was uncertain, about 10,000 employees, as mentioned earlier would be required to be inducted from the other states to conduct the elections.

While these arrangements were being made, due to a communication gap between the Centre and the state

government, the election was postponed at the last minute.

Preparation of Electoral Rolls. Based on 1981 census, the state was divided into eighty-seven territorial single-member Assembly constituencies. However, the Delimitation Commission order on this ran into problems as the Chief Election Commission did not recognize the order. There were some procedural hassles which were resolved after a series of long correspondence. Based on the above number of Assembly seats, electoral rolls had to be revised either by intensive revision or by summary revision. Due to the time constraint, it was not feasible to go in for the intensive revision which needed six months to complete and therefore survey revision needing two months of working was adopted. Between 30 and 35 days from the date of notification were required to complete the elections.

Arrangements for the Polling Staff. Accommodation, catering, transportation and security of polling staff and accommodation for the polling booth were required. And lastly, a large amount of money was needed. The Representation of the People Act, 1951, was duly amended for permitting the Kashmiri migrants to cast their vote by post.

Call for Election Boycott. The people had realized that Pakistan could not annex the valley by force. They had gone through tremendous sufferings and were looking forward to peace and normalcy and an end to the seven years of terrorism. Although the political activities were limited to Jammu and Ladakh regions, the political leaders in the valley were watching the situation keenly. It was assessed that as soon as the election schedule for the state was announced, the political activities in the valley would also commence. When the elections were announced, the APHC (All-Party Hurriyat Conference) and the militants' groups gave a call to boycott the elections in the valley and in the border areas and Doda of Jammu province.

Good Work by Army and Para-military Forces. The army and para-military police did the nation proud to make the parliamentary elections a success. The security forces were needed for guarding the line-of-control and for the normal LIC operations catalogued earlier which could neither be

ignored nor reduced. In fact more forces were needed, not only to step up the operations against the militants' design to thwart the elections but also to improve the situation further and facilitate the electoral process. In addition, forces were needed to conduct the elections.

There were, however, considerable apprehensions in the minds of many people whether in view of the militants' threat, the voters would turn out, so much so that the main party of the state, the National Conference, withdrew from participation.

Against all apprehensions, the elections were conducted very successfully with very high percentage of turnout. The large turnout demonstrated to the world that India's intentions for self-determination were authentic. It was a mammoth task but due to the effective and efficient coordination and positive and ready response from the army and the para-military forces, the almost impossible task became possible and parliamentary elections were held successfully in May 1996. This was a major turning-point and a great victory over those who had waged the proxy war. The positive response for India's action was indication of the improved security environment in the state, the return of the democratic process and confidence of the people to exercise their right of franchise.

State Assembly Elections Held. The parliamentary elections opened the way to the state Assembly elections which were conducted in September/October 1996. These were much more challenging due to various factors. To start with, this was the last chance for Pakistan to disrupt the political process and elections in the state and therefore its attempt to go all out to forestall them. The number of candidates contesting the Assembly elections was many times more than for the parliamentary elections, and therefore there was a need for substantial additional force for their security, specially during campaigning. Also due to the local politics and inter- and intra-party differences and in-fighting, the level of security required increased manifold.

There were some silver linings too. There was better and more positive response from the state civil officials to

conduct the elections. The experience of the parliamentary elections of May 1996 was fully taken advantage of. The elections were conducted in three phases—on 7 and 21 September and 3 October 1996. The elections were incident-free and the turnout of voters was unprecedented, 53 per cent and above. The National Conference was victorious with a thumping majority and was sworn in to form government on 9 October 1996, bringing President's rule to an end. It was a moment of great jubilation for the people of the state, who deserve to be applauded for shaking off the fear of the militants and rolling back the night of suffering.

Comments

The main cause of LIC lies within the nation and is not entirely due to the designs of the outside forces. It is created due to the internal problems, namely, the squabbling between the political parties whose own vested interests get priority over those of the nation, creating cracks and drifts in the various classes of society; suppression; weak, indifferent and non-functional governments unable to meet the basic needs of the people; population explosion; and so on. These are all internal matters that the nation and states must check and control in time before the situation goes out of hands.

To successfully contain and fight LIC, an integrated and multi-directional approach by the entire government machinery, army and para-military forces included, is a prerequisite to fight it successfully. More often than not, the government and various other organizations fail to recognize and appreciate this cardinal principle. Self-glory, one-up-manship and vested interests often come in the way of contesting it, which are fully exploited by the initiators and perpetrators of LIC.

Unfortunately Indian history is replete with such instances. Because of this weakness, India has paid heavily through three hundred years of British rule. Although the

nation at large made sacrifices to get rid of the foreign rule, the nation has not yet learnt the lesson.

Good governance does not emerge by making long speeches and holding numerous meetings, nor by infructuous paper work. Its strength and efficiency lies in a close touch with people and in its effective and accountable machinery. Unfortunately this good and healthy practice started declining a few years after India's independence, reaching today its lowest ebb. So what rocked J and K was not that lightning struck from the skies above. We as a nation are implicated in the mess that was created.

6. THE FUTURE

The book thus far has dealt mainly with the past events and geographic, demographic and strategic aspects relating to Jammu and Kashmir. The state has historically been renowned for its tradition of harmonious coexistence between Kashmiris of different faiths. Despite the various races ruling it, the state has remained free of communal tensions even in the worst days of communal riots in the rest of India. But Pakistan ventured in fanning the flames of communalism through its agents to the extent of driving out most of the Hindu population in the valley in the early nineties. Pakistan is desperate to achieve through a proxy war what it failed to achieve through the successive wars to grab the Indian side of Jammu and Kashmir.

The juxtaposition of Jammu and Kashmir has given it a strategic importance in the region which has made it relevant and significant to USA, China and Russia in formulating and framing their regional and global policies.

Kashmiri Grievances

There have been genuine grievances of the people of the state, which have not been adequately addressed. Administrative and political lapses characterized by an indifferent approach created resentments. Also, in the last decade or so there has been too little leadership and too removed from the core of the content and context of the problem. Equally at fault, the Indian government showed disinterest instead of the opposite, along with lack of involvement.

Pakistan progressively escalated its support to the Jammu and Kashmir militants, though failing to achieve any tangible results. Meanwhile, the proxy war continued, sometimes at a low pitch and at other times high.

Having examined the past, it is now appropriate to focus attention on the future of Jammu and Kashmir and seek a possible pragmatic approach to the searing issue. Past "solutions" have failed to make headway or impact. A brief analysis of the efficacy of these is relevant.

Mooted Solutions

CONVERT LC INTO IB

There is a school of thought advocating that a possible solution to the Jammu and Kashmir problem may be to convert the line-of-control into international border implying that Ladakh, Kashmir and Jammu remain part of India whereas the Northern Areas and POK become the permanent portion of Pakistan, and thus resolve the issue once for all.

On the face of it, although the suggestion appears laudable, its efficacy is not so simple. Even though the hierarchy of the two nations may genuinely be inclined, their domestic coercions will come in the way. Both nations have compulsions of their internal political pressures and interests, restraining them from adopting an independent and positive approach. Despite the good intentions of the head of democratic states, they find themselves on a sticky wicket.

In the Gujral-Nawaz Sharif dialogue of 1996-97, Pakistan felt that the Gujral government was hostage to the fourteen parties' support to take any decision to this end. Similar is the predicament of the Vajpayee government currently in power. On the other side Nawaz Sharif's or any other government in Pakistan has the restraints imposed by its military and fundamentalists.

REDEEM POK BY MILITARY MEANS

There is yet another view which recommends redeeming of

the remaining part of Jammu and Kashmir (POK) and Northern Areas by military means. The advocates of such theory however ignore certain basics.

First, that intervention in POK will not restrict the war to Jammu and Kashmir only—but it will escalate to the entire Indo-Pak border.

Second, that in the above context, USA and China are not likely to remain silent observers, but they will definitely intervene and bring various pressures on the government.

Third, the war will severely affect the economy of the nation.

And *fourth*, where is the guarantee that India will be successful in carving the remaining part Jammu and Kashmir for herself?

INDEPENDENT KASHMIR

There is also a section in Jammu and Kashmir which dreams of an independent state for itself. Even Sheikh Abdullah harboured such a desire. One can however ill-afford to ignore the ground realities.

The basic question is whether such a state can sustain itself economically and militarily. Jammu and Kashmir is void of any industrial base to generate and raise worthwhile revenue. Agriculturally its produce is well below its demand. Food and other essential items like vegetables and milk are imported from other states. No independent nation can last on such high level of imports.

Next and more importantly is the question of the security of its borders. With its meagre economy, can it sustain a large army and air force to man its multi-directional borders—with Pakistan in the west and the south, China in the north and India in the east. Hence those who advocate an independent Jammu and Kashmir, should realize the ground realities and dispel this option once for all.

REUNIFICATION OF INDIA AND PAKISTAN

There is a segment of people in India, who are dreaming of reunification of the two nations one day. But having carved Pakistan, every Pakistani strongly resents even a whisper

suggesting any such notion. They suspect that any gesture of friendship initiated by India as its attempt towards this direction. The graph of tension between the two nations may move up and down, but the bottom-line relations are influenced by the factors based on suspicion and mistrust.

With this backdrop, it would be prudent that Indian public or any political party refrains from initiating any such signal. India could adopt a balanced and controlled indifferent attitude. Let the suggestion of friendship, if any, emerge from Pakistan.

Some Hypothetical Posers

Hypothetically, suppose Jammu and Kashmir had gone to Pakistan in 1947, then what would have been the situation? India for one would not have raised the issue, accepting it as a *fait accompli*. Many of the Muslim migratory population from UP, Bihar, etc., would have moved to the valley and Jammu, creating a situation there akin to the Mohajirs' plight in Sindh. The large Hindu and Buddhist Indian population of Jammu and Ladakh would have been discriminated against.

The border between the two nations would have shifted south along the Ravi river, avoiding the conflicts in the hazardous and mountainous regions of Pir-Panjial and Samsabari ranges and the Indian Army would have been spared from being deployed on the line-of-control and Siachen. Pakistan would have to defend its long border with China. In sum, Pakistan's commitment on the border would have enhanced manifold and the equations between Pakistan-USA; Pakistan-China and Pakistan-Soviet Union would have been different. For India, it would have possibly meant fewer wars and less expenditure on defence. And finally even if Jammu and Kashmir was annexed by Pakistan, perhaps the relations of the two nations would have remained what they are now.

Hypothetically again, and to speak in terms of sibling psychology, even if Jammu and Kashmir issue is in Pakistan's favour today, the tension between the two nations

will continue like two brothers who, having divided the land and property of their ancestors between themselves, continue to live in an environment of suspicion, competition and tension. Even if the valley is given away on a platter to Pakistan, its animosity with India will not be dented.

Due to its large size and population India perceives a significant role for itself in the continent and it is moving in this direction. On the other hand Pakistan began on grandiose dreams. Its leaders wanted the entire Punjab and Bengal to Pakistan. It also dreamt that by virtue of being a sizeable Islamic state, it would be able to hegemonize over Muslim states in the Middle East such as Egypt, Iran, Iraq, Saudi Arabia. If not hegemonize, it would be a more powerful, prestigious state. Unfortunately from their point of view neither such thing happened nor is it likely to happen. *In this situation Pakistan finds itself cribbed, cabined and confined.*

Against the above backdrop, whereas one may be looking for an ideal solution to resolve the Jammu and Kashmir issue and find a permanent answer to it, unfortunately there is no such solution available, at least in the foreseeable future. The analysis of the efficacy of the various solutions mentioned above have also not thrown up any positive concept.

A viable and pragmatic solution can only be found if both India and Pakistan are willing to "give and take" and accommodate each other to live in peace. Currently there is no such trend visible. Under such conditions, what could one suggest? When solutions are not in sight, the next best course is to look for approaches or eventualities which would lessen the problem and may pave the ground to the ultimate solution. Two such models are mentioned below.

Likely Approaches/Eventualities

Too much attention has gone to explore a final solution to Jammu and Kashmir problem and too little to improve the plight of the people of the state. It may not be feasible to have an ideal or even near-perfect or fully workable solution

to every problem. There is a halfway also. For example a man who has lost his arm in an accident can never hope to get it back. So what is the solution for him? Either to learn to live without the arm (and there are such handicapped persons who use their feet to write, etc.) or get an artificial arm and to make the best of the existing conditions. As the saying goes, every cloud has a silver lining. *So also in every chaos or challenging environment, there are some positive factors, howsoever insignificant they may be, which should be identified and exploited to advantage.* By itself, this approach can be a basis for solution.

ALL-ROUND DEVELOPMENT OF J AND K

Now what could these factors be? To name some. Jammu and Kashmir has abundance of wealth in the way of its natural beauty which attracts people from near and far, which open avenues for trade and economy. The various invasions, though they injected misery, also benefited the people by ushering in the various world-famous arts and crafts. This asset has not been fully exploited. It can be used meaningfully for development if related industries could be set up on commercial lines, both by the state and the Centre.

MAKE THE ADMINISTRATION RESPONSIVE AND ACCOUNTABLE AND CREATE EMPLOYMENT AVENUES

The main cause for fomenting of militancy in Jammu and Kashmir was its poor, inefficient and ineffective administration, which failed to meet the basic needs of the people.

The condition has not changed much in the last fifty years. In the valley the pro-Indian mood evident till 1950, gradually gave way to sullenness, indifference and finally to anti-Indian sentiments. The Indian government has been more than liberal to Jammu and Kashmir with grants and aid but it failed to oversee their expenditure and proper accounting. Apart from some minor industrial and income generation exercises, most of the money went into the pockets of the rich. Widespread corruption was almost institutionalized. This created heart-burning in the society,

contributing to the creation of a conducive environment for the militancy.

There can be no doubt that the uprising in Jammu and Kashmir was masterminded, aided and abetted by Pakistan but it could not have succeeded to the level it did unless there were conducive conditions for it. The favourable environment for low-intensity conflict was provided due to the absence of any prudent policies and failure to perform both at state and central level. And therein lies the approach to a solution, namely, to remove or at least minimize the “conducive conditions” favouring the militancy. *It implies providing effective, efficient and accountable government, meeting the basic needs of the people—specially of the have-nots and secondly creating industrial infrastructure in the state to generate more revenue, as also to open avenues for employment.*

If this is achieved, militancy will itself decline. The state and central governments need to address this approach seriously with full dedication and genuine determination.

Let us not strive for something not feasible just now, but put our entire efforts on what is attainable to meet the aspirations of the people of J and K and bring prosperity to them. It is sometimes prudent to strive for an approach to a solution when a solution is not readily available. *If our own house is in order the neighbour, howsoever strong, will have relatively less chance to encroach as a trouble-maker. The success of such an approach sometimes itself paves the way for the ultimate solution. It is very difficult for a foreign power to make inroads in a prosperous society.*

The Importance of Economic Factor

Changing circumstances and compulsions alter the perceptions regarding threats, concepts and policies. What appears conclusive today may look distantly inconclusive the next day. Of all the relevant factors related to perceptions, namely, the social, religious, political and strategic,

predominant is the factor of economics. Economics has the power to influence and to bring about substantial change in the social and religious structure of a society.

Of the fifty years of independence the Army has ruled Pakistan for almost twenty-five years. To start with, the Muslim League inherited an almost non-viable Pakistan with one wing of it being separated by a stretch of about 1,000 miles of an unfriendly nation. Pakistan did not also inherit a sound economic base and right from D-Day, it is existing under the crutches and influence of foreign aid.

A significant factor which may change the equation between the two nations is economic pressure and crisis. Although it is getting considerable foreign aid, Pakistan cannot depend on it permanently. The public in Pakistan is also realizing that tension and conflict with India have adversely affected its economic growth, since more attention was given for contesting the neighbouring country rather than improving its industry and revenue base.

Z.A. Bhutto's statement that Pakistan would eat grass but would continue to fight is an indicator of the Pakistan government's priority. However, once the public comes under the tremendous economic pressure and its opinion is built up, it will bring heavy pressure on its government to change its stance and mend fences with India so that its efforts and resources can profitably be utilized to improve its economy rather than building its armed forces and indulging in frequent conventional and proxy wars at enormous cost to the country. This economic aspect is perhaps the sole factor, which may bring India and Pakistan closer one day and consequently lead to an end to the long-lasting Jammu and Kashmir problem. This eventuality will help Pakistan and its people more in the long term than India. It will be a blessing in disguise or silver lining to Pakistan's bright future.

Certain Measures to Actualize Possibilities

Certain pragmatic measures are also necessary to help to move towards the goal. Many of these steps like bilateral

dialogue at different levels of the two governments to resolve the disputed issues and to remove the existing irritants, to maintain peace on the line-of-control/international border, exchange of cultural and sports events and promotion of trade should not only continue but be further stepped up. However there are certain other measures, within India's capacity and capability for which it does not have to look outside for help and which would go a long way to improve the situation in the state. Ultimately these will pave the way to resolve the core problem.

DEVELOP AN INTEGRATED OUTLOOK IN THE STATE

Among all the states in India if there is a diversity of all sorts and to a large extent, it is in Jammu and Kashmir. The state is conspicuous by its three different regions, each distinct in religion, culture and economy. There is not much common between a Ladakhi, a Kashmiri and Jammuite except that they belong to one state. This lack of commonality is reflected in their daily life, language, administration and in politics. So much so that in the 1997 Ranji Trophy match, two cricket teams, one each from Jammu and Srinagar, landed at the venue, each claiming to be the genuine state team.

This diversity has not helped the cause of the state. The J and K government should take some positive measures to bring the people of the three regions into the state's common stream by inter-regional postings of government and semi-government officials, settlements, cultural exchanges and, more importantly, by giving equal treatment to the three regions in the state's developmental and other activities.

BRING KASHMIRIS INTO THE MAINSTREAM OF THE COUNTRY

Likewise, there is a need to bring the people of Jammu and Kashmir, specially the Kashmiris, in the mainstream of the country. So far they have remained somewhat aloof and isolated from the rest of the nation. By nature the Kashmiris are so much attached to the valley that they do not want to leave it. Both the state and the Centre should jointly

formulate schemes under which the youth is encouraged to come out of the state, initially for education and thereafter for suitable jobs in other states. This will help the people to be exposed to the rest of India.

BUILD UP THE SPIRIT OF THE PEOPLE

Kashmir has been subjected to invasions by various races and each race exploited it to its advantage. This subjection took the will out of the people and over a period they became submissive. Although they are now changing, becoming confident and bold, more push is required to reinstate the will and spirit which they lost in the past. This can be achieved by giving them more representations in the defence and para-military forces.

BUILD UP A CLEAR THREAT PERCEPTION

The Indian policy towards Jammu and Kashmir has been conspicuous by its ad-hocism, rather than based on deliberate national objectives. This happened because there is no single body to review and analyse short- and long-term threat perceptions—both internal and external and formulate plans to counter them. Although much has been said about creating such an organization (National Security Council) and many leaders have made statements advocating its need, not much has been done in this direction.

The Indian government should immediately form the much-awaited National Security Council. It should be chaired by the Prime Minister with Ministers of Home, Defence, External Affairs and Finance, the three Chiefs of Army, Navy and Air Force, the heads of Intelligence Bureau and Research and Analysis Wing as its permanent members. Other dignitaries including the representatives of the opposition parties could be invited for deliberations as and when required. The Council should draw long- and short-term threat perceptions and based on national consensus formulate policies and strategies/plans to counter them.

KEEP J AND K AFFAIRS UNDER HOME MINISTRY, CONSISTENTLY

There has been no continuity at the Centre as to which

ministry should handle the Jammu and Kashmir issue. The responsibility has been shifted from the Ministry of External Affairs to the Ministry of Home and then to the Prime Minister's Office (PMO). Till 1989, matters relating to Jammu and Kashmir were being overseen by the Prime Minister assisted by a group of advisers. Later the matter was brought under the Railway Minister who was assisted by some selected officials. After some time it was again passed to the Home Ministry. Yet again, a Jammu and Kashmir Affairs Department was created under the direct control of the Prime Minister, but the security-related matters continued to be handled by the Home Ministry also. The shunting of responsibilities only hampered the chain of command, caused more confusion and hindrance in the smooth handling of the problem. The Jammu and Kashmir issue is basically a Home Department's subject and it should always be under the Ministry of Home, with other ministries in the support role.

CREATE A POLITICALLY ALIVE CLIMATE

The high commands of various parties, specially the Congress, have done little to make their presence felt in the state. A strong opposition, essential to successful democracy, has been conspicuously missing in the state.

The National Conference has enjoyed a large support base and almost total political monopoly due to its dominant contributions, particularly in 1947-48. However, when the militancy commenced in early 1990, most of its leaders left the valley and the state. When Jammu and Kashmir was in turmoil, the party was conspicuous by its absence from the scene, which antagonized the people and the party gradually lost its popular hold in the state. When talks for holding elections began in 1995 and 1996, its leadership was not confident whether the people would give it the desired support, so much so that when the Parliamentary elections were announced in 1996, the party pulled out, apprehending its poor performance. The reason given was however that the security environment in the state at that time was not conducive for the elections.

At this juncture cracks, rifts and drifts surfaced within the state Congress party, affecting its performance. Its high command at Delhi was a mere spectator to these developments and did nothing to resolve the differences and the National Conference came back to power with a sweeping majority in the Assembly elections, without any worthwhile opposition.

There is no doubt that the National Conference has done yeoman service to its people right from its inception. But over the years it has built an invincible position for itself which is neither good for the state nor for the health and future of the party itself. The other regional and national political parties will do well to gear up their hold and base in the state so as to be an effective opposition and strengthen democracy.

PULL OUT THE ARMY

Low-intensity conflict is a very complicated operation, compounded due to the facts that it is contended against own people misguided and in an environment where the state administration and police are made defunct or almost inactive by the anti-national elements. This affects the local and general administration, causing immense suffering and hardship to the people.

In real terms, LIC is much more difficult and challenging than conventional war. In the latter, since one knows who is the foe and who friend, it is easier to fight. On the other hand, LIC is a messy affair and the local politics makes it further complicated and difficult. Contesting LIC is basically the responsibility of the state police and para-military forces. It will therefore be wise to leave the Army out of it. The Army's primary role is to counter foreign threats, but its continual use in its secondary role, namely, internal security/low-intensity conflict duties affects its preparation and readiness to fulfil its primary role. Today India has a large force of para-military and Rashtriya Rifles, who are well armed and equipped to deal with LIC. The Army should therefore not be used to deal with LIC except in very serious and critical situations and that too for a limited period.

CREATE AN INTEGRATED ANTI-LIC FORCE

There are several types of forces (other than the Army) employed in Jammu and Kashmir to fight the proxy war, namely, the BSF, the CRPF, the CISF, the Jammu and Kashmir police, the Home Guard and elements of police from some other states. Each is governed by its respective constituent Act and has its own chain of command, particularly in aspects like discipline, promotions and transfers, the three core factors which govern the authority of the force. Consequently there are irritants/problems in ground functioning. For instance, on major issues and sometimes also in minor ones, the local force commanders have to seek clearance of their respective bosses at the Centre. This hampers the working and leads to avoidable delays in taking decisions and in initiating the requisite actions/operations.

There is a need to bring all such forces operating in LIC environment in a state under one head, amending the Acts, if need be. For better command, control and coordination, there is a need to give serious thought to this problem and a suitable answer needs to be found, since India is likely to be confronted with LIC problems in various other parts of the country, at least for some years.

ENCOURAGE FOREIGN INVESTMENT IN J AND K

India is important to the USA, China and Russia because of its manpower and resource potentials for their market. Recently other countries like Japan, Korea and Germany have also joined the race. The state and central government should ensure that the foreign countries and their private sectors are encouraged to invest substantially in Jammu and Kashmir so as to improve its economy and provide employment to the youth there. One of the main factors abetting militancy in the state is the large number of unemployed youth, who are readily available material for recruitment as militants.

The super and big powers realize that their economic interests can be safeguarded and sustained in South Asia only by extending their security (military) influence in the region. Notwithstanding the improved India-USA, India-

China and India-Pakistan relations in the latter half of the nineties, the clash of interests in the subcontinent will continue as hitherto. In this game plan, Pakistan will persistently be exploited to play the role of a front-line state. The above international powers would however not like their friendship with Pakistan to cross a certain threshold, simultaneously keeping the India-Pakistan tensions alive. Anyone who is dreaming and hoping for any meaningful peace between Pakistan and India is only ignoring this basic factor.

There is another angle. The US is keen to take a second look at its role in the aftermath of the break-up of USSR and with the elimination of its threat, its priority has changed from strategic to economic considerations. The US has started talking more on trade and investments with less emphasis on the Kashmir issue. The US also perceives the increasing challenge from China, European Union and Japan.

Despite these, one can ill-afford to ignore the fact that the US will continue to have more interest in Pakistan because of the latter's closer relationship with China, its nuclear and missile capabilities and its position with the Islamic countries.

Be that as it may, there is no need for India to be defensive. It should articulate its stance and opinion on all issues including Kashmir, nuclear and missile capabilities.

APPENDIX A

Maharaja Hari Singh's letter of
26 October 1947 to Lord Mountbatten
Requesting for Accession of the State to India

My Dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or to Pakistan. Geographically, my State is contiguous to both the dominions. It has vital economic and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan ignore this fact.

I wanted to take time to decide to which Dominion I should accede, whether it is not in the best interest of both the Dominions and my State and stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under standstill agreement is operating the Post and Telegraph system inside the State. Though we have got a standstill agreement with the Pakistan Government, that Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State. Afridis, soldiers in plain clothes, and desperadoes, with modern weapons have been allowed to infiltrate into the State at first in Poonch area, then from Sialkot and finally in mass in the area adjoining Hazara district on the Ramkote side. The result has been that the

limited number of troops at the disposal of the State had to be dispersed and had to face the enemy at several points simultaneously so that it has become difficult to stop the wanton destruction of life and property and looting. The Mahoora Power House which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar the Summer Capital of my Government, as a first step to overrunning the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier Province, coming regularly in motor trucks, using Mansehra-Muzaffarabad road and fully armed with up to date weapons cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or stop them from coming into my State. In fact, both the Pakistan Radio and Press have reported these occurrences. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State, both Muslims and non-Muslims, generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so, and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen so long as I am the Ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government 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.

If my State has to be saved, immediate assistance must be available at Srinagar. Mr V.P. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards.

Yours Sincerely, Hari Singh.

APPENDIX B

Instrument of Accession of Jammu and Kashmir, 26 October 1947

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as India, and that the Government of India Act, 1935 shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify be applicable to the Indian Act 1935; as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now Therefore

I, Shriman Inder Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singh ji Jammu and Kashmir Naresh Tatha Tibbet adi Deshahipathi, Ruler of Jammu and Kashmir State in the exercise of my sovereignty in and over said State, do hereby execute this my Instrument of Accession, and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act, within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule here as to

the matters with respect of which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendments of the Act or of the Indian Independence Act 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State, authorizing the compulsory acquisition of land for any purpose, but I here undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire a land, I will at their request acquire the land at their expense if the land belongs to me, transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this instrument affects the continuance of sovereignty in and over this State, or save as provided under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or the Ruler of the State is to be construed as including reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty seven.

HARI SINGH MAHARAJADHIRAJ OF JAMMU AND KASHMIR STATE

APPENDIX C

UNSC 47 (1948), Resolution of 21 April 1948 (S)/726

The Security Council,

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir.

Having heard the representative of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan.

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting.

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite.

Considering that the continuation of the dispute is likely to endanger international peace and security.

Reaffirms its Resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its Resolution 39 (1948) of 20th January 1948 shall be increased to five and shall include, in addition to the membership mentioned in that Resolution, representative of . . . and that if the membership of the Commission has not been completed within 10 days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five:

Instructs the Commission to proceed at once to the Indian subcontinent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the

holding of plebiscite, by the two Governments, acting in cooperation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution and to this end;

Recommends to the Government of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. RESTORATION OF PEACE AND ORDER.

1. The Government of Pakistan should undertake to use its best endeavours:

- (a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State.
- (b) To make known to all concerned that the measures indicated in this and the following paragraph provide full freedom to all subjects of the State, regardless of creed, caste or party, to express their views and to vote on the question of the accession of the State, and that therefore they should cooperate in the maintenance of peace and order.

2. The Government of India should:

- (a) When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;
- (b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;
- (c) When the Indian forces have been reduced to the minimum strength mentioned in (a) above, arrange in

consultation with the Commission for the stationing of remaining forces to be carried out in accordance with the following principles:

- (i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State.
 - (ii) That as small a number as possible should be retained in forward areas.
 - (iii) That any reserve of troops which may be included in the total strength should be located within their present base area.
3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in Paragraph 8, they will be held in areas to be agreed upon with the plebiscite.
 4. After the plan referred to in paragraph 2(a) above has been put into operation personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the plebiscite Administration in paragraph 7.
 5. If these local personnel should be found to be inadequate the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. PLEBISCITE

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in conduct of the administration at the ministerial level while the plebiscite is prepared and carried out.
7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such power as the latter considers necessary for holding a fair and impartial plebiscite including for that purpose only, the direction and supervision of the State forces and police.
9. The Government of India should, at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.
10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be Plebiscite Administrator.
(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally promulgated by the State of Jammu and Kashmir.
(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State Judicial System to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for the conduct of a free and impartial Plebiscite.
(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service of his assistants and subordinates.
(e) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council, and through the Commission of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all the Commission (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.
11. The Government of India should undertake to prevent, and

give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other influence on the voters in the Plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views, and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State including freedom of lawful entry and exit.
13. The Government of India should use and should ensure that the Government of the State use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 entered for a lawful purpose.
14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:
 - (a) All citizens of the State who have left it on account of disturbances are invited, and are free to enter their homes and to exercise their rights as such citizens;
 - (b) There is no victimization;
 - (c) Minorities in all parts of the State are accorded adequate protection.
15. The Commission of the Security Council should at the end of the Plebiscite certify to the Council whether the Plebiscite has been really free and impartial.

C. GENERAL PROVISIONS

16. The Government of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.
17. The Commission should establish in Jammu and Kashmir

such observers as it may require of any of the proceedings in pursuance of the measure indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the task assigned to it herein.

Note: The five members of the United Nations Commission for India and Pakistan were Czechoslovakia (nominated by India on 10 April 1948), Belgium and Colombia (appointed by the Council on 23 April 1948), Argentina (nominated by Pakistan on 30 April 1948), USA (designated by the President of the Council on 7 May 1948, in the absence of agreement between Argentina and Czechoslovakia on the member to be designated by them).

APPENDIX D

UN Commission (UNCIP) Resolution of 13 August 1948

The United Nations Commission for India and Pakistan,

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir; and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to adversely affect international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation;

Resolves to submit simultaneously to the Government of India and Pakistan the following proposal:

PART I: CEASE-FIRE ORDER

A. The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir. (For the purpose of these proposals forces under their control shall be considered to include all forces, organized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local

changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the cooperation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective people to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

Part II: Truce Agreement

Simultaneously with acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for formulation for a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

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

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the authorities under the surveillance of the Commission.

B

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the

Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order.

The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of State of Jammu and Kashmir will take all measures within its powers to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

4. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Government and Commission, will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

APPENDIX E

The Views of India and Pakistan on the UNCIP Resolution

Extract from the Summary of the Meeting of Representatives of the Government of India with the Members of the UNCIP

Turning to Section B, the Prime Minister felt that it was faulty in requesting the simultaneous withdrawal of the two armies inasmuch as the Pakistan army was there illegally. In reply, Mr Korbelt explained that, as drafted, that provision provided not for the simultaneous withdrawal of the two armies, but rather that the Indian forces would begin withdrawal after being advised by the Commission that Pakistani forces had begun withdrawal. The requirement that Indian troops begin their withdrawal before Pakistan forces had completed their withdrawal from the State, he said, had been arrived at to meet Pakistan's fears of an attack by Indian forces and to make it easier for Pakistan to accept the withdrawal of its troops. Mr Huddle reiterated that the Commission had not wished to impose any abrupt changes under which the security of either party would be threatened. He believed acceptance of that provision would provide an earnest of the good faith of the two parties.

17 August 1948—17, SCORS, 1948, Supplement for November, p. 106.

Views of the Pakistan Government

1. I have the honour to refer to your letter of 13 August, forwarding the Resolution adopted by the United Nations Commission at its 39th meeting and stating that this Resolution is intended to present the principles which may serve as a basis of discussion. At our informal meeting on 14 August, you

reiterated that the proposal contained in the Resolution were only meant to serve as a basis of discussion, and you kindly offered to clarify and elucidate any points arising out of these proposals.

2. The Government of Pakistan have given their most serious consideration to the proposal made by the Commission, but regret that they are not in a position to indicate their views with regard to them without obtaining clarification of a number of important points. The matters with regard to which further elucidation is required are set out in the attached memorandum. It would be greatly appreciated if the Commission could provide the elucidation requested.

3. While reserving their views with regard to the proposals formulated by the Commission, the Government of Pakistan would like to submit certain observations with regard to the Commission's approach to the question of a cease-fire. As the Commission is aware, the Pakistan representatives, in their discussions with the Commission during its stay in Karachi from 31 July to 13 August put forward the view that the proposals regarding a cease-fire should be completely divorced from all other proposals. In the view of Pakistan Government, the truce proposals contained in Part II of the Commission's Resolution are so closely interlinked with the final solution of the Kashmir question that it is impossible to separate the one from the other. This was fully recognized by the members of the Security Council who sponsored the Resolution of 21 April. Senator Austin explained that the Resolution had a certain unity and all its parts were interrelated. For example, the proposal with regard to the withdrawal to the tribesmen could only be implemented if there was satisfaction in respect of the reconstitution of the State Government and the creation of other conditions in which the accession of Jammu and Kashmir to India or Pakistan could be determined by means of a free and impartial plebiscite.

4. It is the considered opinion of the Pakistan Government that there are only two practical ways of dealing with the Jammu and Kashmir situation, namely:

- (i) To bring about a cease-fire pure and simple, such as in Part I of the Commission's Resolution; or
- (ii) To attempt at the very start a complete and final solution of the entire Jammu and Kashmir question.

The Pakistan Government regret to note that the Commission has not adopted the first alternative, which would have greatly improved the chances of a final settlement being reached. The result of extending the scope of the Resolution beyond Part I must inevitably be to bring the whole field of the dispute under immediate discussion and thereby to delay the attainment of a cease-fire until a final solution of the whole problem can be agreed upon.

(Signed) Zafrullah Khan, Minister for Foreign Affairs, Government of Pakistan. (S/AC. 12/44, 19 August 1948)

MEMORANDUM TO THE ABOVE LETTER REQUESTING FURTHER ELUCIDATIONS ON THE UNCIP RESOLUTION

Preliminary

1. It has been explained to the Commission that it is only the Azad Kashmir Government that can authorize the issue of cease-fire order to their own forces. The Pakistan Government wish to be informed what steps the Commission has taken or proposes to take to secure the agreement of the Azad Kashmir Government to its proposals.

Preamble to Commission's Resolution

2. The preamble to the Resolution of the Commission states that certain conditions are essential to the implementation of the Commission's endeavour "to assist the Government of India and Pakistan in effecting a final settlement of the situation". The Government of Pakistan are unable to appreciate the exact significance of this statement. The preamble to the Security Council's Resolution of 21 April 1948 (S/726) clearly affirms the desire of both India and Pakistan that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite, and instructs the Commission to 'place its good offices and mediation at the disposal of Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite, by the two Governments, acting in cooperation with one another and with the Commission', and recommends certain measures to the two Governments as being in its opinion "appropriate to bring about a

cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.”

It is thus clear that the dispute between the two dominions relating to Jammu and Kashmir is “whether the State of Jammu and Kashmir is to accede to India or Pakistan”, and that the settlement of this dispute is to be brought about by means of a free and impartial plebiscite. It is presumed, therefore that the expression a final settlement of the situation employed by the Commission in the preamble to its Resolution means, in the words of the Security Council, the creation of “proper conditions is to accede to India or Pakistan”. If the expression “a final settlement of the situation” has any implication, direct or indirect, whether falling short of or going beyond the quotation set out from the Security Council’s Resolution, the Government of Pakistan wish to be apprised of it.

Part I of the Commission’s Resolution

3. The Pakistan Government are unable to appreciate the exact significance of the opening words of paragraph D Part I of the Resolution. If and when a cease-fire has been arranged, the Commission will be under the inescapable necessity of appointing military observers for the purposes set out in the paragraph. The number, duties, functions, and posting of these observers will, no doubt, be at the discretion of the Commission. The Pakistan Government wish to be certain that the Commission is not in any doubt that if a cease-fire order is agreed to, its observance will inevitably require supervision by neutral military appointed by and acting under the authority of the Commission.

Part II of the Commissions Resolution

4. The discussions before the Security Council on the subject of Jammu and Kashmir proceeded on the basis that India did not desire a military solution of the problem, but would be content to abide by the results of a free and impartial plebiscite. It was recognized by the Security Council that the fighting in Jammu and Kashmir had flared up as the result of military and other repressive measures adopted by ruler against his subjects, and that the only method of securing a cessation of the fighting was to create conditions which would satisfy everybody concerned that the question of accession of the State to India or

Pakistan would be settled on the basis of a free and impartial plebiscite. While the Security Council was still engaged on the consideration of the Kashmir case, India was steadily building up its armed forces in Jammu and Kashmir. This building-up process did not cease on 21 April 1948, but was continued and intensified. The Indian Army mounted a big offensive in the beginning of April, thereby causing a material change in the situation. This offensive action has continued ever since. The publicly declared intention of the Government of India was to secure a military decision in Jammu and Kashmir, thus presenting the United Nations Commission with a *fait accompli*. This situation not only put in jeopardy the entire population of the areas under the Azad Kashmir Government, and led to a big influx of refugees into Pakistan, but also constituted a direct threat to Pakistan's security. It was this which compelled the Government of Pakistan to move their troops into certain defensive positions.

Paragraph A, 1 of Part II of the Commission's Resolution States that the presence of Pakistan troops in the territory of the State constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council. This is obviously a one-sided and inadequate description, since as pointed out above, the build-up of India's forces, and their launching an all-out offensive had already materially changed the situation. Even as a factual statement, apart altogether from the feasibility or otherwise of the proposal based upon it, the paragraph should have included the facts mentioned above which necessitated the presence of Pakistan troops in Jammu and Kashmir. The Government of Pakistan are unable to appreciate the omission.

5. Without at all implying that the proposals set out in the Resolution of the Commission could form the basis of discussion, the Pakistan Government feel that the possibility of the truce being broken by the Government of India cannot be ruled out. It would materially assist the Pakistan Government in their appreciation of the various proposals contained in the Resolution if the Commission would be so good as to take the Pakistan Government into its confidence as to the measures or guarantees which the Commission may have in mind to safeguard the security of Pakistan and the population of the areas under the control of the Azad Kashmir Government against any subsequent aggressive action by the Government of India

and of the Sikh and Rashtriya Swayamsewak Sangh volunteer bands. In particular, the Pakistan Government would be glad to know whether the Commission intends to secure the services of an international or neutral force for the purpose and, if so, what the strength of such a force would be.

6. Paragraph A, 2 seeks the agreement of the Pakistan Government to the using of their best endeavours to secure the withdrawal from the State of tribesmen, etc., who have entered the State for the purpose of fighting. The Commission is in no doubt that the Security Council was convinced that it would not be possible to persuade the tribesmen and other sympathizers of the Azad Kashmir Government to withdraw unless they were satisfied as to the security of the Muslim population of the State and the establishment of conditions for a free and impartial plebiscite. The Government of Pakistan are unable to discover any proposal in the Resolution of the Commission designed to secure and guarantee these conditions. Would the Commission kindly indicate what measures it proposes to adopt to convince the tribesmen and other elements concerned that these conditions have been or will be established, and that no danger or prejudice would result to the Muslim population of the State even if the terms of the truce were subsequently broken by the Government of India?

7. It has been explained to the Commission that a large number of Sikh and Rashtriya Swayamsewak Sangh volunteer bands have entered the State since 15 August 1947, and have been operating in the areas occupied by the Indian armed forces, committing all kinds of atrocities upon and terrorizing the Muslim population. There is no proposal in the Resolution of the Commission to the effect that such elements must withdraw from the State. The Pakistan Government wish to be informed what proposal the Commission has in mind in this connection.

8. In Paragraph A, 3 Commission proposes that, pending a final solution, the territory at present under the control of the Azad Kashmir Government will be administered by that Government under the surveillance of the Commission. The Commission no doubt realizes that the population of this territory is almost wholly Muslim and is in full support of the Azad Kashmir Government. On the other hand, the majority of the population of the territory under the control of the Government of India is opposed to the regime established by the Government

of India. The Government of Pakistan would wish to be enlightened as to the surveillance of Commission over the Azad Kashmir Government in respect of the territories of the latter, would not with much greater force call for the surveillance of the Commission over the regime operating in the rest of the State. Since the Commission considers that it is in a position to take certain territories under its surveillance, there would appear to be no objection, in principle, to the Commission taking the whole of Jammu and Kashmir under its surveillance.

9. The Commission has asked for the withdrawal of Pakistan troops from Jammu and Kashmir, though these troops are in wholly Muslim areas and have been welcomed by the local population. On the other hand, the Commission is aware of the serious objections to the quartering on non-Muslim troops on a predominately (sic) Muslim population. The Government of Pakistan therefore wish to be informed of the reasons which necessitate the retention of any portion of India's armed forces in Jammu and Kashmir.

10. Assuming that a truce could be agreed upon on the basis of the Commission's proposals, the Government of Pakistan would appreciate an indication from the Commission of the manner in which the Commission propose, in accordance with the concluding portion of paragraph B, 1, to secure a synchronized and simultaneous withdrawal of the Pakistan forces and the bulk of the Indian forces from the State.

11. The Pakistan Government wish to know whether the surveillance of the Commission over the Territories of Azad Kashmir implies any control over the Azad Kashmir forces, which would under the Commission's proposals remain intact. If so, what control does the Commission contemplate exercising over the State forces, the local militia raised by Sheikh Abdullah and over any Indian armed forces that may be left in the State under the Commission's proposals?

12. The Security Council's resolution of 21 April 1948 contemplates the maintenance of law and order throughout the State with the aid of local forces. Does the Commission contemplate that any additional forces would be required for the maintenance of law and order in any part of the State? If so, the Pakistan Government would welcome an indication of the Commission's view whether it intends to call upon both India and Pakistan

to provide such forces as contemplated in Paragraph 5 of the Security Council's Resolution of 21 April 1948.

13. The Security Council's resolution of 21 April 1948 sets out in Paragraphs 11, 12 and 14 number of conditions for the resolution of human and political rights, including the return of those who had left or been compelled to leave the State since 15 August 1947. The Pakistan Government wish to be informed whether paragraph B, 3 of the Commission's Resolution is intended to cover and guarantee all these conditions from the moment a truce is agreed upon.

Part III of the Commissioners Resolution

14. The observations submitted in Paragraph 2 above apply with equal force to Part III of the Commission's Resolution. The Government of Pakistan would welcome an elucidation of this part. It states that "the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people" and that the Government of India and the Government of Pakistan shall "enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured". It may be pointed out that some of these conditions are set out in the Security Council's Resolution of 21 April 1948. It is presumed that consultations between the two Governments and the Commission would be designed to secure the implementations that may become necessary or may appear to be desirable.

The most important of the conditions agreed upon by the Security Council were that:

- (a) The Government of Jammu and Kashmir would be reconstituted so as to ensure that the major political groups in the State would share equitably and fully in the conduct of the administration at the "Minister level" (Paragraph 6), and the interim administration so formed, in the words of Senator Austin, be such as "would command the confidence and respect of all the people of the State and would be a symbol to the people on both sides that the Government of the State was officially neutral on this issue" of accession to India or Pakistan.
- (b) A Plebiscite Administrator would be appointed by the Secretary-General of the United Nations and would be vested with wide powers, including power of direction and supervision of State forces and police (paragraphs 7, 8, & 9).

(c) The appointment of special magistrates to deal with certain types of cases (paragraphs 10).

The Pakistan Government presume that the object of the concluding portion of Part III of the Commission's Resolution to secure agreement on the implementation of these, among other conditions, of a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

19 August 1948

Letter from the Prime Minister of India to the Chairman of the Commission

1. On August 17, my colleague, the Minister without Portfolio, and I discussed with you and your colleagues of the Commission now in Delhi the Resolution which you had presented to us on the 14th instant. On the 18th, I had another discussion with you, in the course of which I tried to explain to you the doubts and difficulties of my Government, and representatives of the Government of Kashmir whom we consulted, had felt as the result of our preliminary but careful examination of the Commission's proposals.

2. During the several conferences that we had with the Commission when it first came to Delhi, we placed before it what we considered the basic fact of the situation which had led to the conflict in Kashmir. This fact was the unwarranted aggression, at first indirect and subsequently direct, of the Pakistan Government on Indian Dominion territory in Kashmir. The Pakistan Government denied this although it was common knowledge. In recent months, very large forces of the regular Army have further entered Indian Union territory in Kashmir and opposed the Indian Army which was sent there for the defence of the State. This, we understand now, is admitted by the Pakistan Government, and yet there has been at no time any intimation to the Government of India by the Pakistan Government of this invasion. Indeed, there has been a continual denial and the Pakistan Government evaded answering repeated inquiries from the Government of India.

In accordance with the Resolution of the Security Council of the United Nations adopted on 17 January 1948, the Pakistan Government should have informed the Council immediately of

any material change in the situation while the matter continued to be under the consideration of the Council. The invasion of the State by large forces of the regular Pakistan Army was a very material change in the situation, and yet no information of this was given, so far as we know to the Security Council.

The Commission will appreciate that this conduct of the Pakistan Government is not only opposed to all moral codes as well as international law and usage, but has also created a very grave situation. It is only the earnest desire of my Government to avoid any extension of the field of conflict and to restore peace, that has led us to refrain from taking any action to meet the new situation that was created by this further intrusion of Pakistan armies into Jammu and Kashmir State. The presence of the Commission in India has naturally led us to hope that any arrangement sponsored by it would deal effectively with the present situation and prevent any recurrence of aggression.

3. Since our meeting of 18 August, we have given the Commission's Resolution our most earnest thought. There are many parts of it which we should have preferred to be otherwise and more in keeping with the fundamental fact of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory. We recognize, however, that, if a successful effort is to be made to create satisfactory conditions for a solution of the Kashmir problem without further bloodshed, we should concentrate on certain essentials only at present and seek safeguards in regard to them. It was in this spirit that I placed the following consideration before your Excellency:

That Paragraph A, 3 of Part II of the Resolution should not be interpreted, or applied in practice, so as,

- (a) To bring into question the sovereignty of the Jammu and Kashmir Government over the portion of territory evacuated by Pakistan troops;
- (b) To afford any recognition of their so called Azad Kashmir Government; or
- (c) To enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.

(2) That from our point of view the effective insurance of the security of the State against external aggression, from which Kashmir has suffered so much during the last ten months, was of most vital significance and no less important than the observance of internal law and order, and that, therefore, the

withdrawal of Indian troops and the strength of Indian forces maintained in Kashmir should be conditioned by this overriding factor.

This at any time the strength of the Indian forces maintained in Kashmir should be sufficient to ensure security against any form of external aggression as well as internal disorder.

(3) That as regards Part III, should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organization and conduct of the plebiscite or in any other matter of internal administration in the State.

If I understood you correctly, A, 3 of Part II of the resolution does not envisage the creation of any of the conditions to which we have objected in Paragraph 3(1) of this letter. In fact, you made it clear that the Commission was not competent to recognize the sovereignty of any authority over the evacuated areas other than that of the Jammu and Kashmir Government.

As regards Paragraph 3(2), the paramount need for security is recognized by the Commission, and the time when the withdrawal of Indian forces from the State is to begin, the stages in which it is to be carried out and the strength of the Indian forces to be retained in the State are matters for settlement between the Commission and the Government of India.

Finally, you agreed that Part III, as formulated, does not in any way recognize the right of Pakistan to have any part in a plebiscite.

(5) In view of this clarification, my Government, animated by sincere desire to promote the cause of peace and thus to uphold the principles and the prestige of the United Nations, have decided to accept the Resolution.

(Signed) Jawaharlal Nehru, 20 August 1948, Prime Minister, India

Reply from the Chairman, UNCIP

I have the honour to acknowledge the receipt of your communication dated 20 August 1948 regarding the terms of the Resolution of the United Nations Commission for India and Pakistan which the Commission presented to you on 14 August 1948.

The Commission requests me to convey to your Excellency its view that the interpretation of the Resolution as expressed

in Paragraph 4 of your letter coincides with its own interpretation, it being understood that as regards point (1)(c) the local people of the evacuated territory will have freedom of legitimate political activity. In this connection, the term evacuated territory refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command.

The Commission wishes me to express to your Excellence its sincere satisfaction that the Government of India has accepted the Resolution and appreciates the spirit in which this decision has been taken.

(Signed) Josef Korbel, 25 August 1948, Chairman, 74, SCORS, 1948, Supplement for November 1948, pp. 36-7.

The Commission's Views on the Clarifications Sought by the Government of Pakistan

On behalf of the United Nations Commission for India and Pakistan, I have the honour to reply to your letter dated 19 August referring to the letter of the Chairman of the Commission of 13 August 1948 and enclosing a memorandum containing points of inquiry with regard to the Commission's Resolution. The Commission, in the memorandum herewith enclosed, meets your requests for further elucidation on the points presented by you.

The Commission has noted your observations as to its approach to the question of cease-fire and appreciates the point of view of the Pakistan Government that an unconditional cease-fire is indeed a desirable step. In fact, the Commission's activities during its early deliberations were directed along these lines, and earnest consideration was given to the issues involved. Mr Lozano, Vice-Chairman of the Commission, travelled to Karachi in order to ascertain the points of view of the Government of Pakistan, while other members of the Commission were ascertaining the points of view of the Government of India in New Delhi. The presence of Pakistan troops in the State of Jammu and Kashmir, however, is a material change in the situation as considered by the Security Council in its Resolution of 21 April 1948, which creates obstacles to the effective and immediate implementation of an unconditional cease-fire.

Once the Commission was apprised of the stipulations of the Government of Pakistan and the Government of India in respect

of a cease-fire, it proceeded to draw up fair and equitable proposals which, it was felt, should meet with the approval of both parties. As a link between an unconditional cease-fire and a final settlement, which will necessarily be subjected to negotiations, the Commission has recommended a truce agreement as set forth in Part II of the Resolution. The terms of this truce agreement, and the principles upon which it has been conceived, without jeopardizing immediate cessation of hostilities, are intended to create an atmosphere favourable to consultations among the two Governments and the Commission in which a final and peaceful solution might be agreed upon.

The Commission sincerely hopes that the Government of Pakistan, as a step towards the satisfactory solution of the situation in the State of Jammu and Kashmir, and in the interest of furthering international peace and security, will find it possible to signify its acceptance of the Commission's Resolution of 13 August 1948.

(Signed) Josef Korbel

27 August 1948
Chairman

REPLY OF THE COMMISSION TO THE PAKISTAN MEMORANDUM

1. (a) On 18 July 1948, during the interview between Mr Alfredo Lozano and Sir Mohammed Zafrullah Khan, the latter emphasized that, in submitting the condition that the proposal for a cease-fire order should have the consideration or approval of the Azad Kashmir forces, his only aim was to ensure that their views be taken into account, whether by the appearance of representatives of the 'Azad Kashmir' before the Commission or through the Pakistan Government as intermediary.
- (b) In answer to the questionnaire placed by the Commission before the Government of Pakistan on 4 August 1948, the Minister for Foreign Affairs stated that the Pakistan Army is at present responsible for the overall command ... "of Azad Kashmir forces".
- (c) During the expose made by the High Command of the Pakistan Army on 9 August 1948, it was stated that the Azad Kashmir forces were operationally controlled by the Pakistan Army.
- (d) In view of these assurances, the Commission understands that the Government of Pakistan will ascertain and reflect the position of the Azad authorities in arriving at their

decision with regard to the Commission's Resolution of 13 August 1948.

2. The expression a final settlement of the situation does not fall short of nor go beyond the terms of, the Security Council Resolution of 21 April 1948, and is in harmony with it. The Commission, however, is not committed to a rejection of a peaceful solution which might be agreed upon by the two Governments, provided that such solution reflects the will of the people.

3. The Commission is in no doubt that the observance of the cease-fire order will require neutral military observers. These observers will be appointed by the United Nations and will act under the authority of the Commission.

4. The Security Council Resolution of 21 April 1948, which sets forth the terms of reference of the Commission, was adopted with cognizance of the presence of Indian troops in the State of Jammu and Kashmir. The presence of Pakistani troops in Jammu and Kashmir, however, constitutes a material change in the situation inasmuch as the Security Council did not contemplate the presence of the such troops in that State, nor was it apprised thereof by the Government of Pakistan. The Commission cannot accept the statement in the memorandum that the Commission's description in this respect is "one-sided and inadequate".

5. In drawing up the Resolution of 13 August 1948, the Commission did not and could not proceed on the assumption that one or the other party would violate the truce. The implementation of the Resolution presupposes good faith and cooperation between the two parties.

As the Government of Pakistan is aware, the United Nations does not have at its disposal an international force. The use of a neutral force has not been contemplated by the Commission. However, the Government of Pakistan will have noted that the Resolution provides for neutral military observers to be stationed where the Commission deems it necessary.

6. The Commission reaffirms its conviction that good faith and active collaboration on the part of both Governments are essential to the implementation of the Resolution. Under the terms of the Resolution, the Government of India is about to assist local authorities in maintaining law and order in areas

now occupied by Indian troops; further, the Government of India undertakes to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

The Commission is convinced that confidence in the purpose and objectives of the Resolution will be promoted by the appeals that the two Governments make to all concerned for the creation and maintenance of an atmosphere conducive to a satisfactory solution.

Acceptance of the truce agreement will lead directly to consultation between the two Governments and the Commission to determine fair and equitable conditions whereby the free expression of the will of the people will be assured.

7. Pending the acceptance of the conditions for a final settlement, Indian forces, as provided for in Part II, B, 2, will assist local authorities in the maintenance of law and order. Upon acceptance of the truce agreement, withdrawal of elements mentioned in the memorandum will be considered in the implementation of Part III and under the provisions of the Security Council's Resolution of 21 April 1948.

8. Surveillance of territories of the State of Jammu and Kashmir other than those now occupied by the Pakistan Army and forces under its control is not provided for in the Resolution. The administration of such areas remains under the jurisdiction of the Government of State.

9. A portion of the Indian armed forces will remain in the State of Jammu and Kashmir for the purposes indicated in Part II, B, 21, of the Resolution.

10. In accordance with Part II, B, 1 of the Resolution, the Indian Government, when apprised that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, agrees to begin to withdraw the bulk of its forces from the State in stages to be agreed upon with the Commission. Synchronization of the withdrawal of the armed forces of the two Governments will be arranged between the respective High Commands and the Commission.

11. The Commission does not contemplate measures of

control over forces remaining within the State of Jammu and Kashmir beyond the provisions of the resolution.

SCORS, 1948, Supplement for November 1948, pp. 135–8.

View of the UNCIP on the Timing of the Withdrawal of the Bulk of Indian Troops from Jammu and Kashmir

(Extracts from the Interim Report of the UNCIP, 9 November 1948, issued after having conferred with the representatives of the Government of India and Pakistan)

123. The Commission hoped, under its terms of reference, to induce the Government of Pakistan to exercise its influence on the tribesmen and the Pakistani nationals to withdraw from the State of Jammu and Kashmir. When that was accomplished, it intended to obtain a progressive withdrawal of Indian troops to the minimum strength required for the support of civil power in the maintenance of law and order, and further, the agreement of the Government of India to a plebiscite along the lines indicated in the Security Council's Resolution.

133. Along the lines of the Security Council's Resolution of 21 April, and on the basis of the situation as explained in previous paragraphs of the present report, the Commission considered that the Government of Pakistan should be asked, as a first step towards the final solution of the dispute, to withdraw its forces from the State of Jammu and Kashmir, with the understanding that, as the second step, the withdrawal of the bulk of the Indian troops would occur.

APPENDIX F

Simla Agreement

(Agreement on Bilateral Relations between India and Pakistan, signed by Prime Minister Indira Gandhi and President Z.A. Bhutto, in Simla on 3 July 1972)

(1) The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations.
- (iii) That the prerequisite for reconciliation good neighbourliness and durable peace between them is a commitment by both the countries to peaceful coexistence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.
- (iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the 25 years shall be resolved by peaceful means.

(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.

(vi) That in accordance with the Charter of the United Nations, they will refrain from the threat of use of force against the territorial or political independence of each other.

(2) Both Governments will take steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

(3) In order progressively to restore and normalize relation between the two countries step by step, it was and agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land, including border posts, and air links, including over-flights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

(iii) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

(4) In order to initiate the process of the establishment of durable peace, both the governments agree that:

(i) India and Pakistan forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of 17 December 1971, shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat of the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

(5) This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

(6) Both governments agree that their respective heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

INDIRA GANDHI
Prime Minister, Republic of India

ZULFIKAR BHUTTO
President, Pakistan

3 July 1972

APPENDIX G

The Tashkent Declaration

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their people. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

- (i) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their resolve to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the people of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.
- (ii) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966, to the position they held prior to 5 August 1965 and both sides shall observe the cease-fire terms on the cease-fire line.
- (iii) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

- (iv) The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propoganda directed against the other country and will encourage propoganda which promotes the development of friendly relations between the two countries.
- (v) The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both governments shall observe the Vienna Convention of 1961 on diplomatic intercourse.
- (vi) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.
- (vii) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.
- (viii) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at the highest and at other levels of matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings, deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the government and friendly people

of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

Prime Minister of India
LAL BAHADUR SHASTRI

President of Pakistan
MOHD. AYUB KHAN

Tashkent, 10 January 1966

APPENDIX H

Summary of the Nehru–Abdullah Agreement, 24 July 1952

1. Citizenship: A common citizenship was recognized with special privilege for State subjects.

2. The Head of the State to be recognized by the Indian President on the recommendation of the State legislature. The State to devise the process of election of the Head of the State. This appointment was to be for five years.

3. For historical and sentimental reasons a State Flag to be recognized but the Indian national Flag to continue to have the same status as elsewhere in India.

4. The President of India to retain powers to reprieve and commute death sentences.

5. The President of India to exercise his emergency powers under 352 of the India Constitution, in such matters as invasion and external or internal disturbances in Kashmir. But in the case of internal disturbances, action to be taken only with the concurrence of the State.

6. The application of principles of fundamental rights as defined in the Indian Constitution, to apply in Kashmir subject to certain modifications. For example the decision not to award compensation to dispossessed landlords contrary to the Indian guarantee was allowed to be earned.

7. The Supreme Court of India to retain original jurisdiction in respect of disputes mentioned in Article 131. Such disputes are those between States and between a State and the Government of India. The State Advisory Tribunal to be abolished and its functions to pass to the Supreme Court of India. This in effect made the Supreme Court of India final court of appeal in all criminal and civil matters.

8. Financial agreement between India and Kashmir including the difficult question of customs had still to be worked out.

APPENDIX I

Agreed Conclusions which led to Sheikh Mohammad Abdullah's accord with Mrs Indira Gandhi, Prime Minister, and his subsequent assumption of office as Chief Minister in February 1975

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary power of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an Order of the President under Article 370, each individual proposal in this behalf being considered on its merits, but provisions of the Constitution of India already applied to Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social, security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after

1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to the laws to be made by Parliament in future under the provision of clause (2) of that Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 386, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any changes in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent. The matters are:

- (a) the appointment, powers, functions, duties, privileges and immunities of the Governor and;
- (b) the following matters relating to Elections, namely the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative Council, being matters specified in Sections 138, 139, 140 and 150 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the Principals.

MIRZA MOHAMMAD AFZAL BEG
New Delhi
13 November 1974

G. PARTHASARATHI

APPENDIX J

Treaty between the East India Company and Maharaja Gulab Singh of Jammu, Concluded at Amritsar, 16 March 1846

Article 1. The British Government transfers and makes over for ever, in independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the River Indus and westward of the River Ravi, including Chamba and excluding Lahaul, being part of the territories ceded to the British Government by the Lahore State, according to the provision of Article 4 of the Treaty of Lahore, dated 9 March 1846.

Article 2. The eastern boundary of the tract transferred by the foregoing article of Maharaja Gulab Singh shall be laid down by Commissioners appointed by the British Government and Maharaja Gulab Singh respectively for the purpose and shall be defined in a separate engagement after survey.

Article 3. In consideration of the transfer made to him and his heirs by the provision for the foregoing articles, Maharaja Gulab Singh will pay to the British Government the sum of seventy-five lacs of rupees (Nanak Shohi)—five lacs to be paid on the ratification of this treaty and twenty-five lacs on or before the 1st October of the current year A.D. 1846.

Article 4. The limits of the territories of Maharaja Gulab Singh shall not be, at any time changed without the concurrence of the British Government.

Article 5. Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore of any other neighbouring State, and will abide by the decision of the British Government.

Article 6. Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his military force, the British troops, when employed within the hill or in the territories adjoining his possessions.

Article 7. The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 8. Maharaja Gulab Singh acknowledges the supremacy of the British Government and will, in token of such supremacy, present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmir shawls.

Done at Amritsar, this 16th day of March in the year of our Lord 1846 corresponding with the 17th of Rabi-ul-Awal 1262 Hijri.

EPILOGUE

Nuclear Scenario

India broke into the nuclear club on Monday, 11 May 1998 by conducting three underground nuclear tests at Pokharan in Rajasthan, twenty-four years after its first implosion at the same site. According to R. Chidambaram, Chairman, DAE, the three simultaneous explosions on 11 May involved: the first, a 12 KT (kiloton) fission device; the second, a 43 KT thermo-nuclear device; and the third, a 0.2 sub-KT low-yield device. All the three were exploded simultaneously as a gap in the blasts could have resulted in the loss of valuable data for the shock waves travel in milliseconds. The subsequent two explosions on 13 May involved two low-yield devices of 0.5 and 0.3 sub KT each, designed to meet stringent criteria like containment of the explosions. Pakistan followed and test-exploded five nuclear devices at 3.23 p.m. on Thursday, 28 May 1998 at Chagai in Baluchistan, followed by another two on the subsequent day.

The above Indian tests created ripples—both internationally and within the nation. USA and some other nations threatened India with sanctions. Within the country some of the opposition political parties, while welcoming the explosions also showed some reservations. A debate followed in Parliament, including the issue on signing of CTBT and NPT by India. Pakistan also came under sanctions.

To comprehend the complicated nuclear scenario in the region one may need to go into the history of the evolution of the nuclear bomb and nuclear doctrines.

Background Information

NUCLEAR WEAPON HISTORY

The nuclear age actually commenced on 2 December 1943, when a team of American scientists, headed by Enrico Fermi, achieved

for the first time a description of self-sustaining nuclear fission reaction, with an atomic “pile” built beneath a station in Chicago. Albert Einstein had forecast the utilization of uranium fission for the construction of atomic bombs. Haunted by the possibility of Germany developing the technology to make bombs, USA decided to explore this possibility seriously. This gave a lead to the evolution of atomic bombs. After Fermi’s work was completed, a huge plant was established at Hanford to produce plutonium and another plant at Oka Ridge to produce uranium-235 from natural uranium.

The famous Los Alamos Laboratory (USA) produced three bombs of five tons each by mid-1945. One bomb made of plutonium was tested on Alamogordo sand in July 1945. Of the other two, one was dropped at Hiroshima on 6 August 1945 and the second at Nagasaki three days later. These were relatively crude and small-yield fission bombs. As atomic weapons became plentiful, other nations’ pressures to share USA’s stockpile of fissionable material grew and what followed was the invention of 280 mm atomic cannon, Corporal guided missile, Honest John ballistic rockets, Little John rocket, Redstone and much talked about in the eighties—the Pershing missiles.

In the immediate aftermath of World War II and in the wake of the demobilization of the forces by the western powers and the growing antagonism between the two power blocs in the postwar era, it was feared that Russians with superior conventional forces might launch an offensive against Western Europe. Since USA had already demonstrated the atom bomb’s devastating effect on Japan, it was perceived that counter-threat of use of the atom bomb would deter Russia from such a risky venture. However in 1949 Russia exploded the bomb but USA still retained the numerical superiority. Also USA’s heartland was out of range of the Russian bombers. Three years later in 1952, Britain conducted its first test. By 1960 France had it and China joined the club in 1964 by testing the bomb at Lop Nor deep in the Chinese desert.

Thereafter, hordes of other countries either joined the club or were on the threshold of having the atomic bomb; these nations were: Australia, Egypt, India, Italy, Israel, Indonesia, Japan, West Germany and Taiwan. Then followed the race between USA and Russia, not only to acquire the numerical edge over the other but also to improve their ascendancy in

delivery systems, both in its technology and range. In the meantime, USA conceived the Star Wars strategy driving Russia to bankruptcy and its eventual break-up. With the elimination of the Russian threat, there was nuclear arms reduction in Europe.

Every new weapon gives rise to new strategies and doctrines. Before going into the Indo-Pak nuclear scenario, it is apt to examine the nuclear weapon strategies and doctrines evolved in the West, both in the bipolar and bilateral environment.

EVOLUTION OF NUCLEAR STRATEGIES AND DOCTRINES

The invention of the nuclear bomb threw up new concepts and doctrines, as mentioned earlier. These have been evolutionary, dictated by political considerations, the development of nuclear warheads and means of delivering them. The evolution of western doctrines came about in the bipolar and bilateral nuclear context.

The political leaders, defence force commanders and bureaucrats connected with nuclear national policies and handling of the nuclear weapon force should have the basic knowledge of nuclear bombs, namely, nuclear doctrines, physical effects, delivery capabilities, change in armed forces tactics and consequential need for their reorganization and, above all, its command, control, communication and intelligence set-up. Some of these are very briefly described in the subsequent paragraphs.

Massive Retaliation. The production of the thermonuclear bomb by the USSR ended the US monopoly of such weapons. Its destructive power was much greater than of the atomic bomb. It was now no longer possible to envisage its use in a bilateral nuclear war in Europe without inflicting damage unprecedented in history. It was at this stage that the thesis of first use of tactical nuclear weapons was propounded. The Americans still held strategic targeting advantage since American bombers based in Europe could threaten the Russian homeland whereas the latter could not do the same to the US mainland. The survivability of Russia was therefore low. Taking advantage of this factor, the US transferred part of its nuclear bomber force to its mainland to prevent it from being wiped out by Russia in Europe.

To assuage the apprehensions of NATO countries (due to the reduction of atomic force in Europe) US Secretary of State John Foster Dulles announced in 1954 the doctrine of "massive

retaliation”, which in simple words implied a deterrent of massive retaliatory power aimed against the population and industrial centres of the USSR at the time and place of the United States’ choosing. In essence it implied US threat to respond to any Soviet breach of peace by attacking its homeland with nuclear weapons. However, in the wake of first launching of the Soviet Sputnik in 1957, Russia also acquired the first-strike capability which till then was US monopoly. Soviet development of this intercontinental capability posed a catastrophic nuclear retaliation threat against US. The doctrine of massive retaliation therefore lost its relevance.

Flexible Response. Massive retaliation being no longer valid was scrapped and replaced by General Maxwell Taylor’s doctrine of “flexible response”. This implied a regulated response to Russian attack by appropriate means, which could be by conventional weapons, tactical nuclear weapons or by strategic means. It gave to USA a range of choice between “all or nothing”. Simultaneously the US developed SSBNs, fixing submarines launched ballistic missiles and Minuteman missiles. At this stage, the doctrine of “second strike capability” was introduced and stress was laid on the survival of the forces to retaliate after absorbing an all-out first-strike nuclear attack.

Damage Limitation. The choice of the means to prevent strategic nuclear attack on the US proved to be more difficult. In the early 1960s, a philosophy of “damage limitation”, which called for the US nuclear force to be able to strike and disable Soviet strategic forces was dominant. A combination of active and passive measures were to be relied upon to reduce American casualties. But as the Soviet nuclear forces grew and their deployment was diversified, the problem of conducting damage limiting strikes multiplied. By the late 1960s, the doctrine lost its value, culminating with a Soviet-American agreement in 1972 to limit each other’s anti-ballistic missile capabilities.

Assured Destruction. In the mid-1960s, former US Secretary of Defence, Robert McNamara defined “Assured Destruction” as the cornerstone of US strategic policy to deter deliberate nuclear attack on USA or its allies by maintaining a highly reliable ability to inflict unacceptable damage on the aggressor. It was the essence of the deterrence policy. However by about 1967, Russia too acquired invulnerable retaliatory second-strike capability; this balance came to be known as MAD doctrine (Mutual Assured Destruction). The NATO countries became

apprehensive that in the event of Russian conventional attack, the US would retaliate on a nuclear level. They were not in favour of nuclear war, fearing that their civilization would be wiped out. They preferred deterrence and not defence.

Strategic Deterrence. Nuclear weapons have added new dimensions to strategic concepts as they can totally or to a large extent devastate a nation's population and its economy in a very short time. Strategic nuclear weapons themselves became strategic targets. Thus two types of targets emerged—"counter force", against the enemy's nuclear and military targets and "counter value", against industrial and population targets.

Nuclear weapons have more general importance for other than specific military reasons. They give rise to awe and fear, not only because of the damage they could do, but because of the way this damage is done. *Their utility, therefore, is just not confined to their destructive role in a particular military conflict but is more so with the advantage they bestow on their possessor by threatening their use. Deterrence is therefore a political concept. It deals with attempts by indication of CAPABILITY, and WILL to dissuade the potential enemy from taking certain actions. It is thus a result of unfavourable comparison between the risk and issue at stake.*

In the nuclear scenario, the state which attaches high value to "status quo" will have less incentive to make war than one which attaches low value to it. In short, it is the product of capability and credibility. If it is to be maintained, one of three conditions must exist: (1) both states must attain some minimum (nuclear weapons) level; (2) if credibility fails, the ability to punish must enhance; and (3) if capability declines, the credibility for its employment must increase. It is essential to communicate in some way to the prospective antagonist what is likely to happen to him, should he venture on any expansionist activity.

Deterrence in bipolarity can be re-established by acquiring larger assured destruction force and by pronouncing deterrence and declaratory policy. As Albert Wohlstetter says:

Deterrence may however not be so easy to achieve because the potential aggressor must consider not only the risks he accepts if he strikes, but also the risks he takes if he does not strike. If risks of not striking are high, even fairly substantial deterrent sanctions may not actually deter.

Nuclear Blackmail and Bluff. The prospects of nuclear

instability in a multi-polar world would be greater because of the theoretical possibility of anonymous threat. Deterrence in essence is dyadic doctrine, its two protagonists clearly identified. If one power struck, there would be doubt about the identity of the origin or the aggressor. For example, some nations may like to eliminate another nation, without revealing themselves, by political groups to blackmail states or a new nuclear power might seek to capitalize upon the crisis or conflict of their states. It can also be used as a bluff without having the actual capability to deter an enemy.

Nuclear Weapon Systems. Any modern system consists of several components, namely: (a) warhead, its design and characteristics; (b) its delivery system (by aircraft, by air-launched missiles, or by submarines (SLBNs). Air-launched missiles may be of medium range (MRBM, 1,000–1,500 miles), intermediate range (IRBM, 1,500–4,000 miles) and intercontinental range (ICBM, beyond 4,000 miles). Each delivery system has its pros and cons.

Command, Control and Communication—C³. Rapid and secure communication channels are the primary concern for the command and control of nuclear force in a nuclear war scenario. In spite of the elaborate command, control and communication (C³) system in the US, a number of serious failures occurred in peacetime, such as Israel's attack on the US spy-ship *Liberty* in June 1967; North Korea's capture of the spy-ship *Pueblo* in January 1968 and shooting down of EO-121 electronic intelligence aircraft by North Korea in April 1969 are but a few instances.

While strategic forces would be easier to protect, C³ system comprising early warning radars, VHF communications and satellite ground facilities being large and immovable, are difficult to protect.

Nuclear devices have given a new dimension to problems of command and control which takes time to develop and stabilize; delivery vehicles do not alone make a nuclear weapon system complete. It would be naïve to operate nuclear weapons on conventionally oriented command and control system.

There are some essential prerequisites for a command and control system in the nuclear weapon context. First and foremost is the designation of the head of the government on whose orders the weapon could be operated. This authority cannot be delegated to any subordinate authority due to its very serious

implications. Next is the need for identifying and creating an appropriate survival command and communication chain which will authenticate the orders of the above designate head of the government to fire the weapon. Due to the need for instantaneous action, communications will have to be most modern, secure and reliable. They should encompass an adequate surveillance system providing real-time information; ensuring the survivability of the nuclear force from the first-strike adversary; creation of an alternative command operations room; protective measures in the form of silos and underground shelters and efficient and effective civil defence and damage control schemes; these are the imperatives.

Effect of Nuclear Weapons. Nuclear explosion results from the very rapid release of large amount of energy in a very short time. This energy is exhibited in three distinct effects—blast, thermal radiation and nuclear radiation. Approximately 50 per cent of the energy is transferred to blast; about 35 per cent to thermal radiation and 15 per cent to nuclear radiation (5 per cent initial and 10 per cent residual radiation).

The energy emitted also depends on the height of the burst; the higher the burst the lesser the effect. Airblast is produced by all type of bursts; air-burst causes maximum damage, surface burst less and underground burst the least. Weather, surface conditions and topography (city/built up areas/forests) have modifying effect on airwaves (blasts). Next is the thermal radiation, i.e. heat and light. It is characterized by the fact that it can be scattered, reflected, absorbed or attenuated. It causes dazzle and forest fires (primary and secondary). The third effect is nuclear radiation, i.e. flow of alpha and beta particles and electro-magnetic energy such as gamma (X-rays) and neutron radiations—which are the main casualty producers.

Damage Control. Damage control and civil defence schemes to ensure least casualties and destruction are an essential part of the nuclear weapon war.

Most of the references to nuclear weapon doctrines, acquisitions and exchanges between the US and Russia arise from the strategies during the period 1950-1980 to fight nuclear wars, each side having hundreds and thousands of nuclear weapons. The situation, equations and threat perceptions have since undergone change and such large-scale wars are not visualized now, or at least in the foreseeable future.

The knowledge of the above background strategies and

doctrines is essential to understand the nuances of nuclear warfare in any scenario.

Nuclear Scenario in the Indo-Pak Context

The evolution of India's nuclear policy was the product of the vision of Pandit Jawaharlal Nehru, who early in his political life had perceived India's future progress in its technological development. He considered nuclear power as a means to industrialize the economically weak India. Consequently within twelve days of getting independence, a meeting of the Atomic Energy Research Board was held. Although a staunch believer in atomic energy for peace, in the wake of the speculation of the Chinese bomb, he commented in 1960:

We are determined not to go in for making an atomic bomb, but we are equally determined not to be left behind in the advance in the use of this power. In the ultimate analysis any country which has the power, can use it for good or evil. And no declaration that I make today will necessarily bind our people in the future.

Nehru thus left the option for India wide open. With the Chinese nuclear explosion in 1964, most of the Indian political leaders considered the Chinese threat merely political and favoured India's sober and realistic response. Immediately thereafter, Prime Minister Lal Bahadur Shastri declared:

I cannot say that the policy [of not developing a bomb] is deep rooted; that it cannot be set aside; that it cannot be changed. An individual can have a static policy, but in the political field we cannot. Here, situations alter, changes take place and we have to change our policy accordingly.

In 1970, Prime Minister Indira Gandhi said:

In this matter as in others, the Government kept the policy under constant review, taking into account the needs of national defence and security. The policy is not negative, it is positive. We are building atomic

power—of course, using it for peaceful purposes—but simultaneously increasing our knowhow and other competence.

Realizing the importance of atomic power, Nehru accorded high priority to it. Consequently an Atomic Commission was established in 1948. Subsequently a separate government department for it was established in 1954. It formulated a three-stage strategy. The first stage consisted of setting up natural-uranium heavy-water reactors producing plutonium; in the second stage plutonium was to be used to fuel fast-breeder reactors and breeder reactors to convert thorium to a fissile material, uranium; and in the third stage, Uranium-233 was to be used as fuel for reactors.

Subsequently, multi-disciplinary centres were set up for research and development. India became among the first eight countries in the world to have the complete fuel cycle from uranium exploration, mining, extraction and conversion through fuel fabrication, heavy-water production, reactors for reprocessing and waste management.

The research data and power reactors available revealed that by the eighties India had a stockpile of fissionable material to produce 10 to 20 KT devices and with the annual increase of fissionable material, more later on. Along with the above, India's effort in rocketry and electronics commenced in 1972-73 with the two-stage rocket Rohini, followed by Aryabhata in 1975 and Bhaskara in 1979, then INSAT, followed by others.

On 18 May 1974, India conducted a peaceful nuclear explosion (PNE), 100 metres below the sand of Pokharan in Rajasthan, using relatively more complex techniques. With this, India became the first nation to explode a nuclear device underground in its inaugural detonation; the first country to voluntarily abjure military use of nuclear energy while actually demonstrating its technology; and lastly at possibly the lowest investment of 100 million rupees spread over five years.

The western nations were perturbed and annoyed. Canada suspended all nuclear aid to India. The reaction of the US was slow and cautious, gradually increasing the diplomatic pressure on India to sign the NPT. It started withholding the shipment of enriched uranium for the Tarapur plant. The UK, although it maintained a discreet silence initially, later blamed India for deviating from its philosophy of non-violence, non-alignment

and peace. While France welcomed it, Australia was apprehensive of its further development.

In the eastern bloc, USSR and East European countries welcomed the explosion for peaceful purpose. GDR regarded it as an economic necessity. Although China maintained a discreet silence and attitude, two points of its views deserve mention. First, that it was not impressed with the ambiguity of the "peaceful" test. Second, that it was impressed with implications of the test as a part of India's position *vis-à-vis* Pakistan and to make itself invulnerable to Chinese pressure.

Indonesia saw it as an act that would reduce India's dependence on the USSR. Malaysia feared a chain reaction if Pakistan went nuclear in retaliation. Thailand perceived it as a national security measure.

As expected, Pakistan reacted vehemently, specially when the explosion took place a mere 150 kilometres from the border. Pakistan made an issue of it to lend support to its anti-India bogey. It proposed a nuclear-free zone (NFZ) in South Asia, which India rejected on the ground that it was a mere extension of NPT and that China was excluded from it.

After the 1974 implosion, India advanced its technology both for warheads and for the development of its missile system. The then Prime Minister Rajiv Gandhi had no option but to sanction India's nuclear weaponization programme in 1990.

Explosions of May 1998. Almost after twenty-four years of implosion, India conducted five underground nuclear tests on 11 and 13 May 1998. Some details on these have already been given in the introductory paragraph of the Epilogue. These tests were conducted to generate additional data for improved computerization of design and for attaining the capability to carry out sub-critical experiments, if necessary. The tests were fully contained and there was no release of radiation in the atmosphere. Computer-stimulated tests are not banned under CTBT in its present form. With these explosions, India caught up with nuclear powers, acquiring all requisite data. The two tests of 13 May provided a wide array of choice for lethal tactical weapons arsenal. They demonstrated India's capability to miniaturize nuclear bombs, ranging from 500 kg to 1,000 kg warhead, for Prithvi and Agni missiles; precision guided ammunition (PGM) for fighter aircraft; nuclear tipped artillery shells; specialized demolition devices and submarine-launched missiles.

With the successful explosions of the above devices, there is now an urgent need to create an appropriate nuclear command,

control and communication (C³) and intelligence set-up. The organization should involve such aspects as designation of the head of the state having authority for its use (i.e. pressing the button); operating procedures, arrangements for marrying up the warhead with the delivery system; arrangements for the C³ and intelligence system, education and training of the policy-makers and people concerned and involved in handling the weapon. Although the government has made some announcements in this direction, much is required to be done and to be done fast. In this context A.P.J. Abdul Kalam rightly commented on 17 May 1998 that although the nuclear weaponization was completed, C³ is a different matter, which needs consolidation and establishment. This should be the top priority of the Indian government.

Reactions and Responses. As expected, there were ripples and reactions—both internationally and within the country, ranging from vehement to moderate, and interestingly, conspicuous by their subsequent change in views and softening attitude. These are briefly covered in the subsequent paragraphs.

An apparently emotional Clinton, while talking to newsmen in the presence of the German Chancellor in Postdam (Germany), commented: “India did not need to manifest its greatness on the eve of the twenty-first century by such actions. I think it is a terrible, terrible mistake” by a “perfectly wonderful country”. He said that he was personally disappointed and was left with no choice but to enforce tough sanctions against India. He further expressed the view that the national aspirations of India and Pakistan for security and status must be resolved in a positive way because nuclear tests posed danger not only to them but to others too. Referring to Kashmir, the American President commented:

We have to find a solution to the problem. We can't have a situation in which any country, which has a problem in terms of its standing on its security believes that the way to resolve it is to put a couple of scientists in a laboratory and figure out how to conduct a nuclear explosion. That is not the right thing to do.

Clinton added that the US must go on talking to India and Pakistan and hoped that India would not enhance its status. In this context, Clinton cited the example of Brazil and Argentina, which are being thought of highly after they

abandoned their nuclear ambitions. Making reference to India-China tension, he however paid handsome tribute to India's resilience as a long-standing democracy in the face of difficulties with China and Pakistan. On US intelligence failure to have advance information of India's blast of 11 May, John Pike, a technical intelligence specialist with the Federation of American Scientists described it as "[the United States'] intelligence failure of the decade." US intelligence organizations were baffled, although two years earlier they knew that India was preparing for the test. There was another view, that the Americans might have been tipped to let India carry out the tests and thereafter make it sign the CTBT.

China's official reaction was: "We have no immediate comment."

British Prime Minister Tony Blair and European Commission President Jacques Santer showed their dismay over the tests. Blair, however, ruled out any punitive action and rejected cancelling any aid to India on humanitarian grounds.

In Moscow, Foreign Minister Yevgeny Primakov said: "We have a highly negative assessment of the blasts as any action which may undermine agreements on nuclear non-proliferation". He however added that Russia would not join other states in imposing sanctions against India.

On 13 May 1998, Japan imposed sanctions. Ryutane Hashimoto, Prime Minister of Japan, said that his country would suspend \$30 million grant to penalize India. France, which came under international fire two years back (1996) for carrying out nuclear tests, commented that she would not encourage Washington's decision to impose sanctions on India. Norway and a few other countries suspended bilateral aid, which amounted to sanctions tougher than those imposed on China a few years back.

Prince Khalid bin Sultan, Lieutenant General in the Saudi Arabian Army, was rather philosophical in his comments. He said that it would be illogical to blame India for explosion and at the same time he also did not blame Pakistan for the explosions. He further amplified by saying that the world respects the strong and there is no room for principles. He said that possession of nuclear weapons can bring peace, prevent conventional wars and can bring parties in conflict to the negotiation table. He blamed the US for its double standards.

UN Secretary-General Kofi Annan said that he was deeply disturbed.

Pakistan's reaction was on expected lines. Prime Minister Nawaz Sharif reacted on 13 May 1998 by saying that his country would not be dictated by foreign powers. "Pakistan has a right to take any step essential for its security. This is our job and we alone have to decide about it". Pakistan was not surprised on India's explosion and its top nuclear scientist Abdul Qadeer and Army Chief General Jahangir Karamat said that Pakistan was "well placed" to meet any threat (declaring their capability). Abdul Qadeer Khan said that Pakistan was capable of carrying out a nuclear explosion within a fortnight but he only needed his government's nod to do so. Karamat urged the international community to take note of India's nuclear test and termed it as a threat to the subcontinent. Pakistan Foreign Minister Gohar Ayub said, "We are prepared to match India and have the capability." He said that India's test was a slap on the international community. Former Pakistan Prime Minister Benazir Bhutto called for a "balanced" and "mature" response.

In India there was great jubilation and most Indians approved of the nuclear tests. As per the Indian Market Research Bureau, 91 per cent of the people who were contacted approved of the test; 7 per cent did not approve of it and 2 per cent remained noncommittal. At government level, Prime Minister Atal Behari Vajpayee said, "India believes in a nuclear-free world but it cannot be discriminatory or one sided and those nations who monopolize the nuclear technology will accept the argument that the same conditions apply to all." He said that the time was ripe for using the option, offering a no-first use pact with Pakistan. "No price is high enough when it comes to securing national interests. We must be ready to face any eventuality", Vajpayee said. Some of the opposition parties said the explosion came at a wrong time. They blamed the government for altering the status quo; for not carrying out proper threat analyses and accusing it of deriving vested political mileage out of it. Home Minister L.K. Advani asserted (in the Lok Sabha) that the Pokharan tests were justified as the country was facing a security threat from Pakistan. He further said that the nation could not remain immune to world opinion and criticism, making it clear that such comments had a decisive influence in India's policies. He said that the summit of the Non-Aligned Movement had also endorsed India's stand on nuclear policy. He ridiculed those who sought to dismiss the tests as an exercise in futility.

Since the explosion of May 1998, there have been a number

of sanctions imposed on India which have drawn divergent political views on the issue. Some political parties have criticized the government on the ground that when even the basic needs of the people (namely water, shelter, medicine and hygiene and education) are not being met, where was the wisdom to incur such a high expenditure on conducting the explosions. As far as the first point is concerned, India had the bomb since 1990 and there was no steep escalation in the price index, specifically on this account.

On the issue of sanctions, there are two aspects. First, the nations which have imposed the sanctions cannot sustain them for long due to their own regional and global interests and internal (private sector) compulsions. There are already signs of a softening of attitude in the US Congress. Secondly, India is not entirely dependent on the aid rendered by foreign governments, the IMF and the World Bank. Concessional aid in the form of bilateral Official Development Assistance (ODA) (one per cent of India's GDA) had long ceased since 1990. India has been emphasizing on private investment flows for some time now. Today India pays more money toward repayment of its past loans than the fresh money it receives. India is currently not under IMF loan programmes. World Bank Loans already sanctioned are unlikely to be recalled; however fresh loans may be stalled but for not long. India's international isolation is therefore totally unlikely.

Evolution of Pakistan's Nuclear Policy and Weapon Development

Motivated largely by its obsession of competing with India, Pakistan initiated a civilian nuclear programme way back in 1950. Under the Atoms for Peace programme, Pakistan signed a nuclear cooperation agreement with the US and purchased a 5 MW research reactor (swimming-pool mode), which went critical in 1965. The same year, Canada agreed to sell a 137 MW heavy water reactor to Pakistan. Shortly thereafter, it initiated a research programme in the processing of uranium ore. The Pakistan Atomic Energy Commission (PAEC) commenced work on a heavy-water production plant with 13 tons annual capacity.

Pakistan's nuclear training programme, assisted by USA, FRG, Canada and the Soviet Union also dates back to the 1950s. By 1972 Pakistan had more than 550 nuclear scientists. In

1975, Pakistan announced its nuclear plan for the century, proposing the installation of several reactors. In March 1976, Pakistan signed an agreement with France for purchasing a nuclear reprocessing facility. Although it advocated that it was for meeting the growing domestic energy demand, in fact it was for manufacturing the nuclear bomb.

It appears that in 1977 Pakistan set up a number of front organizations in the world to obtain know-how to construct centrifuge enrichment capability. There is strong evidence that the Pakistani scientist, Dr Abdul Qadeer Khan, employed in the Netherlands in 1972-73, played a significant role in the development of his country's nuclear capability. Khan had an opportunity there to clandestinely obtain information on the technology of a German centrifuge, thus saving considerable time. It meant Pakistan's possession of a pilot installation with a very small enrichment capacity. By 1978, Pakistan was able to install 1,000 centrifuges at the Kahuta plant, which could produce enriched uranium for six weapons in a year. American intelligence sources estimated that the Kahuta plant would be able to produce bomb-grade uranium by 1985.

In fact the decision by Pakistan to go nuclear was taken by Z.A. Bhutto in January 1972 (ironically coinciding with the signing of the Simla Agreement the same year), following its debacle in East Pakistan in 1971. Bhutto's statement (smuggled from his death-cell) was the first authentic indication of the Pakistan-Arab ambition to build a nuclear bomb, for which the latter had adequate money to support the project. Bhutto's statement said:

We know that Israel and South Africa have full nuclear capability. The Christians, the Jews and Hindu civilizations have the capability. The Communist powers also possess it. Only the Islamic civilization was without it, but that position was about to change.

Pakistan pursued both plutonium and uranium routes and by 1987 had a nuclear bomb.

As mentioned earlier, Pakistan exploded nuclear bombs at Chigai in Baluchistan on 28 May 1998 and next day, to make a total of seven explosions. Immediately thereafter, Pakistan Prime Minister Nawaz Sharif came on television to address the nation. He declared that by conducting the tests Pakistan

has “evened out” with India. The tests were only in self-defence, he added. His address was a surfeit of anti-India rhetoric in a bid to justify Pakistan’s action. He offered a non-aggression pact to India and was ready to resume talks with India including on the Kashmir issue. Pakistan claimed that it was ready to fit a nuclear warhead to the recently tested Ghaury missile.

As for the sanctions imposed, Nawaz Sharif was preparing the nation for the ensuing economic hardships. He declared emotionally that if the people missed a meal a day (to effect savings) his children would also skip a meal a day. Gohar Ayub Khan, Pakistan’s Foreign Minister, urged UNO to mediate, deny hot pursuit to Indians and eliminate the possibility of a fourth war between the two nations.

Reacting to Pakistan’s explosion the US President said: “We have no choice but to impose sanctions pursuant to Glenn amendments as it is required by law.” He added, “Pakistan lost a precious opportunity to improving its political status in the eyes of the world. Two wrongs do not make one right.” China expressed deep regret and uneasiness; it was “deeply concerned”. Russia and NATO countries jointly condemned the explosions. Tony Blair, British Prime Minister, as President of the European Union conveyed “strong protest” on behalf of EU. Germany and Australia froze aid programmes to Islamabad. The UN Secretary-General deplored the tests. G-8 leaders made a last-ditch effort to dissuade Pakistan from conducting the explosion but failed.

A Pakistan nuclear capability has provided it the umbrella under which it can reopen the Kashmir issue and even make a bold venture.

Kashmir in the Nuclear Scenario

Professor Stephen Cohen had said some time ago that Pakistan’s nuclear capability would neutralize an assured Indian nuclear force, that is, it would provide the umbrella under which the Kashmir issue could be reopened. He further said that such a capability would paralyse not only the Indian nuclear decision but also (its) conventional forces and a rash bold Pakistan strike to liberate Kashmir might go unchallenged if the Indian leadership was weak. An adventurist nuclear policy by Pakistan cannot be discounted, though in a rational sense, the nuclear factor should add to restraint. As mentioned earlier in the book,

Pakistan has existed under a shadow of perpetual inferiority complex right from its birth, which has subjected the country to a terrible countervailing complex. This is one view which may activate the nuclear factor rather than moderate it.

Kashmir has been the bone of contention in Indo-Pak relations. Pakistans' effort to rest it by military means failed three times and similar is the outcome of its proxy war. In the past Pakistan has been prevented from diverting its forces from Sind and (West) Punjab to Kashmir due to their commitments there. It thus prevented Pakistan from assembling large forces (and thus gaining superiority in number) to fight war in Kashmir. However, with its acquiring nuclear capability, the strategic situation has somewhat changed.

The other factor is political, in that Pakistan is less likely to use a bomb against Muslim-majority areas in the valley, lest it antagonizes and alienates the local population and lose their support, which Pakistan can ill afford.

K. Subrahmanyam in a column in the *Times of India* of 27 June 1998 has viewed the matter somewhat differently. He says that there is an undue fear and defensiveness about the Kashmir issue in India. In spite of Pakistan's best efforts, Kashmir has not been before the UN as a dispute for the last thirty-three years, he adds. There was a proposal both in the UN and the US Senate to dispense with UN Military Observation Groups India and Pakistan (UNMOGIP) in J and K and thus effect the much-needed cut in the UN's expenditure. The next point he makes is that in 1990 Pakistan created a crisis which implied a threat with nuclear weapons. However when it was conveyed to Pakistan that although India would never be the first to use its nuclear capability it would rise to the occasion (retaliate adequately), the signal went home and the tension cooled off. Subrahmanyam highlighted the fact that Pakistan and India have been in the state of mutual deterrence for the last eight years, even as the covert war in Kashmir was being waged. Although Kashmir has been a flash-point for long, the scene there today is that Kashmir insurgency and terrorism have been brought under control; State Assembly elections have been held and an elected government installed and tourism in the state has been revived. All these are positive symptoms and factors in favour of India.

Kashmir is not the core issue as Pakistan claims, he says. It is a case of deeper issues (as mentioned in the book). Reviving

the Kashmir issue today will have to be looked at against the background of Bosnia, Kosov, Cyprus, Nogorono, Tibet, Chechnya, Xinjiang, Tibet and Kurdistan as secessionist activities going on in all these places. It is therefore not in the interest of China and Russia to have a Kashmir debate in the UN. There is a thought in some sections that Pakistan may hold out a nuclear blackmail threat on the Kashmir issue, implying that if the Kashmir issue is not solved on Pakistan's terms there may be a war, escalating to the nuclear level. Subrahmanyam points out that this did not happen (both in asymmetrical and symmetrical situations) during the last eleven years. He further comments that Pakistan's claim in Kashmir is not so high as to compel it to expose its cities to nuclear retaliataion risk.

Kanti Bajpai of Jawaharlal Nehru University, New Delhi does not agree with Subrahmanyam's views, specially on the validity of the deterrence theory. To start with, he discards the deterrence theory on moral grounds stating that a nation cannot morally impose threat or sanctions on another state. Deterrence at all levels is "fragile", although nuclear weapons can deter each other but accidents can happen, miscalculations can take place and deterrence can break down. Possession of nuclear weapons and having mutual deterrence cannot be an assurance that there will be no conventional war or proxy war, such as the one raging in Kashmir.

CTBT/NPT Angle

The draft of the NPT (Nuclear Non-Proliferation Treaty) was tabled before the ten-nations "Disarmament Conference" at Geneva in 1967 and was later ratified by a number of other nations. The essence of the treaty are that:

- it forbids proliferation of nuclear weapons to non-nuclear weapon states;
- non-nuclear weapon states are to place their nuclear facilities under International Atomic Energy Agency inspections and safeguards (this provision does not apply to nuclear weapon states);
- it forbids non-nuclear weapon states from proliferation, either by receiving nuclear weapon technology or by manufacturing nuclear weapons;
- it pledges the nuclear weapon states to make available to

non-nuclear weapon states the potential benefits of any peaceful application of nuclear technology;

- it provides for amendements and reviews of the conference after five years; and
- it declares the treaty to be binding for an unlimited duration and denies the right for signatories to withdraw.

A brief look at the above clauses would indicate that the treaty aims to contain horizontal proliferation while laying no restriction on vertical proliferation by nuclear states, thus making the acquisition of nuclear weapons by non-nuclear weapon states difficult.

The articles of CTBT are reproduced at Annexure attached.

Regarding the international reactions, India's view is that if on three important aspects of the CTBT (mentioned below), which is supposed to come into force in 1999, the US understands India's concern, India may change its approach towards the CTBT. India's objection to the CTBT has been on five grounds, as follows:

First, it is not linked to total nuclear disarmament in a timebound manner.

Second, it is not comprehensive in the true sense of the term, since it allows sub-critical tests.

Third, it does not take into account India's security concerns.

Fourth, its verification system is genuinely not impartial in its international mechanism.

Fifth, the entry-into-force clause is unprecedented since here is an international treaty whose validity will come only if India, a non-party, agrees to it.

Unless there is a cognitive change in the perception of all countries, India cannot be forced to forgo its nuclear option. India will want compromise on essentially three aspects of the CTBT: (a) With its defence requirement taken note of by its rights to conduct subcritical tests, it will want some sort of a pledge that in stages—not necessarily in a time-bound manner—all nuclear countries will be preparing for a day when the world will be free from nuclear weapons. (b) Talks can be held so that the CTBT will come into force without India's participation on the pattern of chemical warfare convention. (c) There has to be an impartial nuclear force verification system.

Pakistan stated that it was undertaking a “strategic review” on its stand on CTBT but offered to sign a similar regional pact with India. Apparently there is a change in Pakistan’s stand, in the sense that earlier it was ready to do anything in terms of signing the CTBT/NPT provided India also signed it. But in Pakistan’s perception the situation has changed after 28 May 1998. Now strategic parity is of fundamental importance to Pakistan.

President Clinton emphasized on Pakistan to realize the political and economic benefits and hoped that both Pakistan and India would sign the CTBT. If India signs it, Pakistan would, as declared by it earlier, the President added. Russia called upon India to ensure that no more tests are conducted and that it should sign the treaty.

International pressure is mounting on India to sign the CTBT. India’s stand is that it will sign the treaty under certain conditions only.

A word about “nuclear free zone”. It means that countries constituting a region in the nuclear world should agree not to resort to nuclear proliferation and declare their region free from nuclear weapons. Countries denying themselves nuclear weapons in return, get from nuclear weapon powers guarantees as regards non-resort to nuclear threat.

Economic Considerations

While assessing economic considerations for acquiring a nuclear force, two factors are relevant. Initial and recurring cost to develop the system and make bombs, and secondly, its impact on the economy of the country going nuclear in defiance to CTBT/NPT. There is a general feeling that going nuclear is very costly and beyond the capability of a developing nation like India. The question arises what is the cost of the bomb and how much its burden is likely to affect the economic development of the country.

One view on this, as per Alistair Buchhan, is that the country which wishes to embark on nuclear weapon programme must go the whole way (to include thermonuclear weapon and most modern and C³ set-up backed up by high-grade intelligence system). Although this level of nuclear force may be relevant in the context of super and big powers, the same cannot be applied in other environments like South Asia. Even in the context of the West the above level may be luxurious.

Most of the references to nuclear weapons exchanges and acquisition between the US and Russia rose from the strategies in the 1950s to 1980s (to fight nuclear wars each side contemplating to use hundreds and thousands of nuclear weapons). The situation, equations and threat perceptions have since undergone change and such wars are not visualized now. In India's context it may suffice to develop a capability to cause enough unacceptable damage to deter Pakistan from venturing into any adventurist design. Delivery of a warhead by missile or aircraft will suffice.

If the weapon-grade plutonium pool created by reprocessing spent fuel obtained from Dhurwa and Circus alone be taken into account, then fifty-odd Hiroshima and Nagasaki-capacity weapons can be made (to go by a report of the Institute for Defence Studies and Analyses) . A Swedish analysis however places a stockpile of hundred such bombs. With this backdrop, the expenditure, spread over a period of time, needs to be worked out. The cost has to be assessed in terms of the "deterrence value" it will accrue by savings in judicious and acceptable cuts (if any) on the current Indian defence force strength and also large savings by avoiding conventional wars. If one computes the cost of nuclear weapon force *vis-à-vis* the cost incurred in 1947-48, 1962, 1965 and 1971 wars, one would get the correct economic perspective.

Second is the security factor. No nation can hope to develop its economy in an insecure environment embeded with perpetual foreign threats and yet meet the basic needs and aspirations of its people. As a very rough estimate India would need to spend (up to) a hundred crore rupees every year for nuclear weapon capability, sufficient to deter Pakistan, an expenditure which India can possibly afford.

As a matter of interest the study entitled *Atomic Audit: The Cost and Consequences*, edited by Stephen I. Schewatz brought out that the US has spent \$5.40 trillion on its nuclear weapon programme since 1940. It comes to fifteen per cent of the United States' budget.

Analysis

Having glossed through the history and evolution of nuclear weapons in the western world and in the subcontinent, it is opportune now to analyse the salient issues connected with the possession of nuclear weapons in the context of India and

Pakistan particularly after the developments of May 1998. Broadly these issues are: India's compulsions to go nuclear; the issue of signing of CTBT/NPT; the economic considerations and Kashmir in the context of the nuclear scenario.

Why a Bomb

There have been vehement international reactions on India going nuclear (overtly) in May 1998. There are even some opposition parties in the country who do not approve of it. Let us analyse the issue in its correct perspective and examine the options which were available to India.

First, to accept the foreign safeguards and not to acquire the weapon but perpetually live under an insecure guarantee.

Second, to work towards complete disarmament. India has been advocating this for the last few decades but due to the hegemony of super and big nations and nuclear weapon states it is not likely to be accepted. The suggested NPT and NFZ concepts would also not work as they will tilt the balance in favour of the haves.

Third, to seek a settlement with the belligerent nations, which is not advisable as it would be on the terms of Pakistan and China and there is no guarantee that such settlements will last permanently or even for an appreciable period.

Fourth, to enhance India's conventional force but this is also not valid as in the asymmetrical situation, India will be under perpetual nuclear threat and blackmail, both from Pakistan and China.

Fifth, going nuclear.

In sum, these options boil down to: never to make a bomb even if Pakistan has it; make it; or, develop the infrastructure but defer the decision to make the bomb to a later date. It needs to be realized, however, that non-nuclear India will be at a terrible disadvantage *vis-à-vis* a nuclear-armed Pakistan. India is large enough, numerous enough and has enough resources to develop the nuclear weapon force to serve the nation's interest. We are still living in a world where might is often right. Even the great advocate and champion of non-violence, Mahatma Gandhi had once said that *it is only a cat*

(the strong) which can pardon a rat (the weak) and not vice versa.

India had no option but to acquire an edge over Pakistan to ensure that the latter is deterred from taking any nuclear initiative. India demonstrated its will. It also created some political and military counterpoise to China.

Issue of CTBT/NPT

India has been rightly objecting to the signing of CTBT/NPT on the ground that it has divided the world into nuclear weapons haves and have-nots, giving special favours to the former. It is a monolithic and monopoly attitude, which is out of context in the present-day world environment. The treaties impose discrimination and pressures on non-nuclear states by inspection policies, political dependence and by creating possibilities of industrial espionage. The CTBT/NPT in their present form make a mockery of disarmament.

India has exploded the bomb and joined the nuclear club and has displayed its will and capacity. It should now sign the CTBT on its own terms and conditions, insisting that the amendments suggested by it are incorporated in the treaty.

Economic Considerations

India is large enough to absorb the cost of making the bomb which suits its need. Of course in this there will be some economic problems but not insurmountable. India may have to revise some of its development programmes; the people may have to face some hardships, but India has the inherent capacity to absorb these. Perhaps slimming and streamlining, not only of its armed forces but also the civil departments and long awaited cuts on wasteful expenditure, may bring about substantial savings to meet the additional burden of acquiring the requisite nuclear capability.

On the other hand Pakistan, which is already under financial deficit pressures, is likely to feel the pinch more. The economic burden and the cost of creating a nuclear arsenal may drive it to bankruptcy, which may build the public opinion against its going nuclear and compel the government to dispense with its nuclear weaponry programme and adventurist designs and sincerely work for peace in the region. This may itself be a lead

to resolving of all outstanding bilateral disputes between the two nations, paving the way for permanent peace and tranquillity in the subcontinent.

As for the sanctions imposed, there is no denial that India will be isolated till the world gets recociled, which is not likely to be too long. Already attitudes are softening and hence it is not a major issue for worry for India. China faced a similar situation earlier.

Kashmir in the Context of Nuclear Explosions

It is not possible to give definite comments on any changes in the threat perceptions related to Kashmir in the context of the May 1998 explosions. One can, however, mention the likely situations which may arise.

First, that in an asymmetrical environment deterrence will work and that there will be overall peace. However, due to Pakistan's obsession, the proxy war in J and K will continue, its intensity barometer altering—sometimes going high, sometimes low.

Second, in a critical political situation and internal problem Pakistan may venture to use the nuclear bomb in a proxy war but with restraints so as not to hit the Muslim population. In this situation it may choose to strike the lucrative choke-points like Banihal pass or Zojila (pass) where due to the topography and very low density of population, the destruction may comparatively be very low; also minimizing reactions from the international community. However in this Pakistan has to be prepared to risk the devastation which will be brought to bear on it by the second-strike retaliation by India. India will have not much to lose, but everything to gain.

Third, if there is a total war and Pakistan finds itself in a position of precarious military disadvantage, it may resort to use of the bomb for reinstating an adverse losing situation in J and K or elsewhere.

Fourth, India cannot rule out the use of the nuclear bomb by Pakistan under an irrational and illogical leadership, forced by fundamental pressures.

India needs to assess all such possibilities and be fully prepared to respond appropriately to any contingency. Wars are fought and won based on possibilities and not on probabilities.

Annexure:

Provisions of the Comprehensive Test Ban Treaty

Preamble

The Preamble, where the intentions of the parties to the treaty are expressed, contains such paragraphs as:

Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

Recognizing that the cessation of all nuclear weapon test explosions and all other nuclear explosions by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

Further recognizing that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament.

Noting also the views expressed that this Treaty could contribute to the protection of the environment.

Article I: Basic Obligations

Article 1 reads as follows:

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain in any way from causing encouraging or participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

This text is understood to include all test explosions down to a zero yield.

Peaceful nuclear explosions, which were the subject of much discussion before a scope text could be agreed, are now referred to in Article VIII (Review of the Treaty).

Article II: The Organization

This establishes the “Comprehensive Nuclear Test-Ban Treaty Organization” (CTBT or “the Organization”). The CTBTO to be based in Vienna and though an independent body shall seek to utilize expertise and facilities, as appropriate and to minimize cost-efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency.

The CTBTO will have a Conference of the States Parties, an Executive Council and a Technical Secretariat. The Technical Secretariat will contain the International Data Centre (IDC) and will operate the International Monitoring System (IMS).

The Conference of the State Parties will meet annually, or in special session if the circumstances so require.

In the CTBTO the Executive Council will have 51 members. The allocation of states to regional groups for the purposes of allocating seats at the Executive Council is specified and contained in Annex 1 to the Treaty. The groups are: Africa; Eastern Europe; Latin America and the Caribbean; Middle East and South Asia; North America and Western Europe; and South East Asia the Pacific and the Far East. Israel is included as a member of the Middle East and South Asia group which has prompted dissent from Iran.

Article III: National Implementation Measures

Article III obliges States Parties to prohibit natural and legal persons that it has control over from carrying out any activity prohibited to a State Party under the Treaty.

Article IV: Verification

The verification system is based on multinational data collected by the International Monitoring System and collated at the International Data Centre. Data collected by “national technical means” (i.e., national intelligence assets) may be used to back up a call for an on-site inspection if it has been obtained “in a manner consistent with generally recognized principles of international law”. This is understood to exclude human intelligence for espionage purposes.

Monitoring technologies. The International Monitoring System is based on four monitoring technologies, specified in the Protocol to the Treaty: seismological, radionuclide, hydro-acoustic and infrasound.

On-site inspection: Decision making. The text states that:

The decision to approve the on-site inspection shall be made by a majority of all members of the Executive Council. (Article IV, paragraph 46).

Some states, in particular China and Pakistan, had called for this decision to be made by a two-thirds majority—thus requiring 34 votes instead of 26 (China is now ready to reduce it to 30 from 34).

On-site Inspection: Limits of powers. Article IV, paragraph 57(c) reads that a State Party subject to an inspection shall have the obligation

to provide access within the inspection area for the sole purpose of determining facts relevant to the purpose of the inspection, taking into account that national security and confidentiality concerns) and any constitutional obligations it may have with regard to proprietary rights or searches and seizures.

Article V: Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

This article gives powers to the Conference of the States Parties, in the event of questions of non-compliance with the Treaty to suspend a State Party from exercising rights and privileges under the treaty, to recommend collective measures, or to bring a case to the attention of the United Nations.

Article VI: Settlement of Disputes

This article allows organs of the CTBTO and the International Court of Justice (World Court) to assist in settlement of disputes between States Parties on issues relating to the Treaty.

Article VII: Amendments

Any amendment would have to be agreed by consensus at an Amendment Conference.

Article VIII: Review of the Treaty

Article VIII allows for review conferences to be held every ten years if the Conference of the States Parties so decides in the

preceding year. If the conference of the States Parties so decides, review conferences may also be held after shorter intervals.

This article includes the following text on peaceful nuclear explosions (PNEs).

On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted it shall commence work without delay with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions.

Article IX: Duration and Withdrawal

The treaty is of unlimited duration with withdrawal by any state at six months notice “if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests”. Notice of such withdrawal shall include a statement of such extraordinary event or events.

France, Russia, the United Kingdom and the United States have each stated that loss of confidence in their nuclear arsenals would be such an event.

Article X: Status of the Protocol and Annexes

The Annexes to the Treaty and the Protocol and its Annexes “form an integral part of the Treaty”.

Article XI: Signature

Article XII: Ratification

Article XIII: Accession

CTBT open to all states for signature, is subject to ratification and is open for accession to non-signatory states after entry into force.

Article XIV: Entry into Force

According to the draft text, the CTBT will enter into force 180 days after the deposit of instruments of ratification of the States listed in Annex 2 (see below).

This article also allows for a Conference to be held if the Treaty has not entered into force within three years of signature to “Decide by consensus what measures consistent with international law may be undertaken to accelerate the

ratification process". While such a conference could exert political pressure on states that had not yet ratified it could not decide to waive any of the entry into force requirements.

The current draft criteria relate to the current operation of nuclear reactors (see notes on Annex 2). As a specific set of ratifications from states are required for entry into force any one of them could prevent entry into force.

Article XV: Reservations

"The articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty."

Article XVI: Depositary

The United Nations Secretary-General is the Depositary to the Treaty.

Article XVII: Authentic Texts

The Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

Annex 1 to the Treaty: List of States Pursuant to Article II, paragraph 28. See Article II.

Annex 2 to the Treaty: List of States Pursuant to Article XIV. The criteria for inclusion on the list are that the state should be a member of the CD as at 18 June 1996 and which appear in either Table of the April 1996 edition of "Nuclear Power Reactors in the World" or Table 1 of the December 1995 edition of "Nuclear Research Reactors in the World", both published by the International Atomic Energy Agency.

Protocol

The Protocol to the CTBT is divided into three sections: the IMS and IDC functions: on-site inspections; and confidence-building measures. The Protocol also contains two annexes; tables of stations for the various monitoring networks; and a "List of Characterization Parameters for International Data Centre Standard Event Screening".

The International Monitoring System. The IMS is based on four monitoring technologies, specified in the Protocol: seismological, radionuclide, hydroacoustic and infrasound.

Seismological monitoring consists of a network of 50 primary and 120 secondary stations feeding data about vibrations in the Earth to the IDC.

Radionuclide monitoring consists of a network of 80 stations which test the atmosphere for radioactive debris from nuclear explosions. All stations are to be capable of detecting "relevant in particulate matter" with 40 of the stations also able to monitor "relevant noble gases"; although the noble gas provision has received some opposition.

Hydroacoustic monitoring consists of a network of 11 stations which detects soundwaves travelling through the oceans.

Infrasound monitoring consists of a network of 60 stations which detect sound waves travelling through the atmosphere at frequencies far below those heard by the human ear.

On-site Inspections. The Protocol contains rules for the conduct of onsite inspections. The draft CTBT allows the CTBTO to define the inspection area. However, the inspected State Party has the right "to make recommendations at any time to the inspection team regarding possible modification of the inspection plan".

The Protocol allows overflights of the inspection area by the inspection team.

Confidence-building measures. The Protocol allows for voluntary confidence-building measures in the form of notifications by States Parties of large conventional explosions (over 300 tonnes TNT equivalent) carried out, for example, in mining operations. States Parties may arrange for visits to areas in their territory, in which large quantities of conventional explosives are used, by representatives of the CTBTO or other States Parties.

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