# Kashmir, 1947-1965
# A Story *Re*told

**Manoj Joshi**

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# Foreword

The January 2004, India and Pakistan agreement to resolve the Jammu & Kashmir problem, represents the culmination of a five-decade long process that has seen two major, two minor and one continuing (covert) war. The story began in 1947, with the partition of British India, and the somewhat messy arrangements made by the imperial power to divide their domain into two independent nations. The audacious Pakistani bid to use tribal raiders to capture the Princely State of Jammu & Kashmir in October 1947 ensured the accession of the State to India on October 26, 1947.

The Indian Army entered the Kashmir Valley and fought a 14-month campaign that ended in a ceasefire brokered by the United Nations, and a *de facto* partition of the State that continues to this day. Simultaneously, the UN, and then the United States and United Kingdom, undertook a lengthy. Though profoundly flawed effort to resolve the problem. Thereafter, there were two more wars—in 1965, following another Pakistani raid to trigger an uprising, and in 1971. Though related to the quarrel between East and West Pakistan the war that led to the creation of Bangladesh also led to the Simla Agreement of 1972 whose central element was that the J&K problem would have to be settled through bilateral negotiations alone. The spontaneous uprising in the State that began in 1989 was carefully stewarded by Pakistan. Owing to the risk of the conflict spiralling into a nuclear exchange, India did not react as it did in 1965. For its part, Pakistan has skilfully used the heightened Islamic sentiment to find recruits in its *madarsahs* to keep the bloody uprising going ever since, without overt intervention. Significantly, the last time the UN Security Council seriously considered the issue was in the wake of the 1965 war. Since then, almost by tacit agreement, the world powers have, more or less, refused to touch the subject in the

world body. Pakistani efforts to seek big power intervention have not borne fruit, as was evident even as late as 1999, when the mini-war in Kargil between two nuclear armed antagonists, failed to provoke international intervention, the purported aim of the Pakistani gamble.

In essence what the world community wanted to say then, as now, was that since 1947 they had done all they could to try and resolve the issue and failed. In their view the only solution to the problem lies in direct talks between India and Pakistan, something that the two sides, too agreed to through the Simla Agreement of 1972 and reiterated in the Vajpayee-Musharraf Joint Statement of January 6, 2004.

So long has been the history of the efforts to resolve the Kashmir issue, and so confusing its course that I felt a need to bring before the reader, in one book, the narrative of how the issue emerged, how it was dealt with by the UN in the backdrop of the Cold War, and the abortive efforts to resolve it through war and external mediation in the first two decades.

Since no particularly new sources are explored in this work, my aims are quite modest: They are to recapitulate an account of the Jammu & Kashmir dispute's early history to a generation who were born in the last thirty years. They have grown up reading about violence and mayhem in the State, of the hard hand of the Union government in dealing with the militancy, the alleged illegitimacy of Indian rule and so on. Given the way media works, the voices often heard are those of the dissident and the insurgent, their sympathisers, as well as of front organisations.

Other matters – the legal issues around Kashmir's accession to India, Pakistan's several attempts to wrest the State by military means, including it's 'subconventional' efforts by the backing of terrorist groups to attack India – tends to recede



into the background, as indeed the voices of many other Kashmiris, who have steadfastly stood by the legal accession of the State to India and, in many instances, paid the price.

Paradoxical as it may be, the passage of years has actually added clarity to this narrative, through the polemical writing of Alastair Lamb and Muhammad Yusuf Saraf on the Pakistani side, and by the new material mainly from British archives explored by Prem Shankar Jha, C. Dasgupta and Lars Blinkenberg. Lamentably, their Indian and Pakistani counterparts remain firmly closed.

The events that led to the accession of Jammu & Kashmir to India took place in the chaotic and bloody backdrop of Partition. Given their nature, and the pains taken by the contemporary Pakistani and British actors to muddy the waters, it has taken a long time for even this much lucidity to emerge.

It is not as though Pakistani complicity in the invasion, or British mendacity were not obvious even then, but the manner in which they were misinterpreted and obscured, in large measure because of the Cold War, is becoming clear only now. The false narrative has it that Kashmir was always meant to be part of Pakistan, and that they were cheated out of it by an Indian conspiracy. The reality is that the British left the Princely States more or less out on a limb, to deal with the new Dominions they created out of their Indian empire as the latter saw fit. Their post-war problems shortened their focus to the Soviet Union and the Middle-East. Taken together with the cooperation they had got from the Muslim League during the war years, Muslim-majority Pakistan was seen as a strategic actor which could be brought into play in both regions.

Surveying the literature on Princely States, Barbara Ramusack has observed, "Integration was not a foregone conclusion, but once the process began it was carried through

with extraordinary rapidity." She has detailed four reasons why integration of the Princely States, that together comprised one-third of the area of the British Empire in India, was quick and smooth. First, the inability of the various Princes to unitedly decide what was best for them; second, the post-war infirmity of British power that prevented it from keeping its promises to the Princes; third Mountbatten's appointment as Viceroy which tilted the balance in favour of a policy of accession, against the opposition of a powerful section of British officials; fourth, the personality of the Indian leaders in question, Sardar Vallabhbhai Patel and V.P. Menon, who were prepared to act decisively. [Ramusack: 247]. There was also, of course, a method in the British madness which had to do with keeping the two Dominions as weak as possible, and hence dependent on the erstwhile imperial power.

Given the numbers of Muslims that would remain in India, the new Dominions were not quite based on the determinant of religion alone. They were the product of contemporary politics, as well as a function of British interests in the region. Underlying the strong Indian and Pakistani views on Jammu & Kashmir, are their very different perceptions of nationhood. India is bound by the reality that though the vast majority of its citizens profess to be Hindu, it is also home to large numbers of Muslims, Sikhs, and Christians. Where there are several Christian-majority states in its north-east, and a Sikh-majority Punjab, there is nothing unusual in having a Muslim-majority Jammu & Kashmir in its Union. Secularism, federalism and democracy are therefore a fundamental aspect of its nationhood.

Pakistan, however, has had a chequered history. Its founder Mohammed Ali Jinnah probably envisioned a state where Muslims would be in a majority, but governance would be on the basis of secular and democratic principles. Unfortunately, he died within two years of the founding of the



new state and the subsequent history of Pakistan has been a turbulent experiment in nation-building that has yet to find an equilibrium.

Indian perceptions of J&K have been most sharply based on legality of the accession, and its own union of varied religious and ethnic groups that rejects any belief that Kashmir should have acceded to Pakistan because it is populated by a majority of Muslims. Pakistani claims have varied. It would not be far-fetched to say, that they have contradicted every position they have once taken for another. Till August 1947, Jinnah stood for the unfettered right of the Princes to accede to any Dominion of their choice. Indeed, Pakistan actually accepted the accession of Hindu-majority Junagadh in September 1947, and famously sought the accession of Jodhpur to its union.

But a month later in october 1947 the argument began changing and the subtext now became the discredited two-nation theory on the basis of which Pakistan was created as the homeland for Muslims of the subcontinent. Thereafter, Pakistan jumped to support the Indian idea of plebiscite to determine the will of the people as a precondition to accession. Later, not sure of it's outcome, Pakistan systematically undermined every effort to conduct that plebiscite. The current position is that they are merely supporting the right of self-determination for the people of the State, who happen to be Muslims. But this claim is belied by Pakistan's attitude towards "Azad" Kashmir and Northern Areas—parts of Jammu & Kashmir that Pakistan militarily occupied in 1947-48. No referendum or UN award, leave alone an agreement with India, has legitimised this occupation.

Further, instead of uniting the areas of Azad Kashmir, Gilgit and Baltistan under a single government, Pakistan virtually annexed the latter two, called them Northern Areas,

and created a Potemkin nation of Azad Kashmir with its own president, prime minister and a supreme court. Yet, the Constitution of Azad Kashmir Part 2, Section 7 declares, "No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan." The oath of office for the President, Prime Minister, Ministers, Speaker and legislators contain the following clause, "That I will remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan." The record of Azad Kashmir's political history shows how Islamabad has run things much as it sees fit, a situation that remains unchanged today.

The status of the Northern Areas is ambiguous. They are neither a province of Pakistan, nor a part of "Azad Kashmir". The region is administered under the Legal Framework Order (LFO) of 1994, an administrative instrument used to strengthen Islamabad's hold over the region while denying its residents basic political and civil rights. The federal ministry for Kashmir Affairs and Northern Areas (KANA) effectively rules the State and its minister, who resides in Islamabad, is the unelected chief executive. The Northern Areas Legislative Council (NALC), the region's elected legislature, is powerless, and civil and military bureaucrats run affairs. It has no fixed tenure or schedule for meetings, and is convened only when the minister desires it.

Selective reading of history, mythmaking and the continuing search for a national identity, have resulted in the average Pakistani investing a great deal of emotion on Kashmir. This has been manifested in the enormous effort— self-destructive in our view— that Pakistan has undertaken to wrest Kashmir from the Indian union. "The blood of the Kashmiris runs in our veins," the present President of Pakistan, Pervez Musharraf once declared. Reason and history would suggest



that if this were to be a fact, it would be more true of Bangladeshis—citizens of erstwhile East Pakistan— not Jammu & Kashmir. Yet, there is no similar investment of emotion, or effort, to reintegrate Bangladesh back into the Pakistani fold.

Revisiting this story is important because India and Pakistan are now in a peace process termed "irreversible" by their leaders—Prime Minister Manmohan Singh and President Musharraf—in early 2005. But the first requirement for the successful conclusion of this enterprise is to have a common understanding of facts and a sharper acceptance of missteps— Indian, Pakistani, American and British— that complicated the problem in the first place.

Maybe the two countries would have resolved the problem amicably in 1947, but for the massacres of Partition that vitiated the atmosphere between them. Perhaps it could have had a quick resolution had the UN clearly named Pakistan as the aggressor in 1948, insisted on the withdrawal of its forces and undertaken a quick plebiscite. Yet this very plebiscite has been a chimera of sorts. Barring, in a very limited way, the North West Frontier Province and Sylhet, no one got a say on whether they wished to join the Dominion of India or Pakistan.

The first impression that Josef Korbel, member of the UN Commission for India and Pakistan got when he actually visited the region was "It was obvious to us that the people of Kashmir were not politically educated to vote" and that given the enormous size of the State and its geography "the mere technicality of carrying out the plebiscite seemed beyond the scope of reality." [Korbel: 136].

Maybe, the direct talks in 1953 could have yielded results had the US not decided to take Pakistan under its wing in a military alliance that was aimed at the Soviet Union, but only succeeded in hardening Pakistan's positions against India.

Again the direct talks in 1963 offered a major chance for settlement, had the Pakistani delegation, led by the flawed Z.A. Bhutto, played a more modest hand. But, perhaps not. The tone and tenor of Pakistani statements immediately after the tribal attack, claiming an Indian conspiracy and worse, despite the fact that all the aiding and abetting had been by Pakistani officials— the Quaid-e-Azam not excluded— suggest that a pathological view of India had taken hold of the Pakistani leadership from the very outset, one that brooked little compromise or reason. Over the years, Pakistan may see itself as a state threatened by India, but its military capacity, as well as the role of its army in its polity, has "militarised" its attitudes, making it prone to dangerous miscalculation, of the kind it made in 1965, in 1990, in Siachen in the 1980s, and again in Kargil in 1999.

Let me be clear at the outset at what this is book is not about; it is not a detailed history of the Kashmir dispute, nor does it seek to provide the mechanics of how it should be settled. The book aims at recapitulating the circumstances under which the problem arose, conditions which then shaped Indian responses to the efforts by the UN and the international community to settle it. It details the efforts made by the UN and the US-UK team to mediate and Pakistan's persistent tendency to over-reach and deny a reasonable settlement. It does not dwell on the domestic politics of J&K, the supremacy of Sheikh Abdullah, his fall and the subsequent political relationship between the Abdullah and the Nehru-Gandhi families. In that sense it is more about the India-Pakistan duel on Jammu & Kashmir, than about the Kashmir dispute as such.

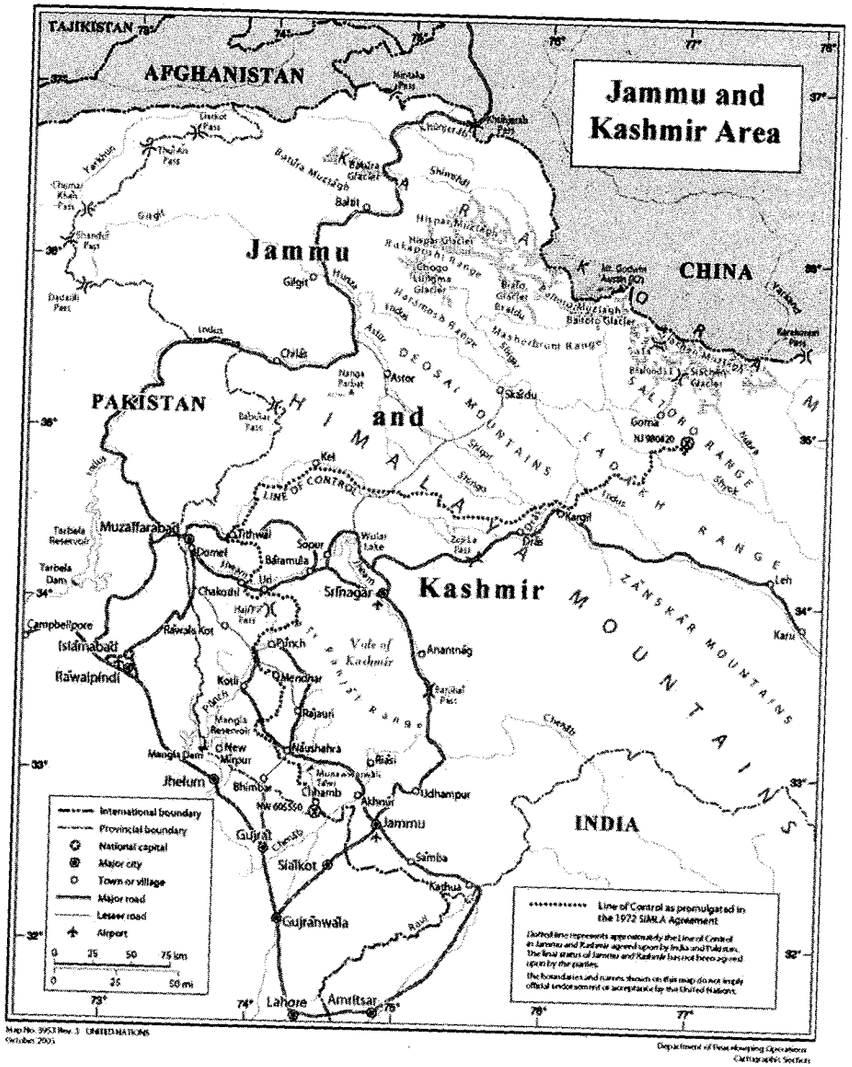
Today, memories of Partition are dimming and the futility of trying to resolve the Kashmir problem through the force of arms, or third-party intervention have become self-evident. India, and particularly Pakistan, have become more aware of how the continuance of the dispute imposes huge



opportunity costs on both countries. It mars not just their own future, but that of their neighbours and friends as well, especially since both now possess nuclear weapons.

I have incurred a number of debts in writing this book, mainly of the intellectual variety. B.G. Verghese was kind enough to read a draft and make some important suggestions. Needless to say, errors and omissions are my own.

Manoj Joshi
November, 2007




# *The Beginning*

Towards it's end, the British Empire in India comprised eleven Provinces, some smaller administrative units and nearly six hundred Princely States, varying in size from Jammu & Kashmir and Hyderabad, that were as big as many large European states, to tiny principalities which were actually nothing but large landed estates with rulers whose powers were limited to trying minor judicial cases. All of them were subject to the Paramount power, the United Kingdom, and while they possessed sovereignty at varying levels — with some even permitted to maintain small armies — none of them had any international status and were not permitted to conduct foreign relations, let alone make war on anyone.

The States were tied to Britain through a web of treaties, some that had been inherited from previous paramount powers like the Mughals, Marathas or the Sikhs. Even the internal authority of the rulers was limited. These States were closely monitored by British Residents who did not hesitate to effect a regime change if the ruler stepped out of line.

When, in the 1930s, faced with the national movement, the British began to think of sharing, and even shedding power in the subcontinent to Indian entities, the subject of the future of these States came up time and again. However, at no point did the British concede that they were anything but vassal units. But neither were the British forthright about what the future

held for them. While their plans focused on the eleven Provinces of British India, they had little to say about the Princely States— which together comprised an area nearly a third of undivided India— except that they would not cede their paramountcy to any of the successor Dominions. Till the end, the British strung them along, hoping perhaps that they could use them in their negotiations with the nationalists in India. But the momentum of events proved to be too swift, as indeed the compulsions of geography and history.

Since the First World War the British had been thinking of ways of handling India, where a small class of educated people had begun demanding some constitutional rights, if not independence. The Empire still held great advantages for the mother country, as a destination for investment, a captive market for British goods and provider of jobs for the British middle classes. On the other hand, there were costs of keeping a lid on rising nationalist sentiment and of giving concessions to the growing Indian middle class.

In the 1930s, the British leaders, particularly the Conservatives, saw the provision of Provincial autonomy "as a means of controlling the centre and dividing the all-India anti-imperial front." [Partha Sarthi Gupta: 242]. The 1935 Government of India Act was based on a decision of the British Parliament, with little regard for Indian opinion, but the 1947 British plans were worked out on the principle of securing a tripartite agreement between the British government, the Congress and the Muslim League.

The history and developments in this period show that there was nothing inevitable about the partition of the British Indian Provinces, the manner in which the Princely States merged with the two Dominions and, hence, the eventual shape of the two successor states. Even at the last stage, in 1947, the British considered the idea of transferring power to a single unit, to Plan Balkan that envisaged India being broken into several independent clusters, with the Princely States free to join any of them they were contiguous to.





After the June 3, 1947 announcement on Partition, the two proposed successor States, India and Pakistan had two guideposts to deal with the Princely States. First, the Government of India Act of 1935, that had envisaged India as a federal unit, with the Princely States being given the option to accede to it through an Instrument of Accession. Through this, the States would voluntarily sign over to the federal government powers relating to Defence, Foreign Affairs and Communications. The power to sign this vested in the person of the ruler of the State, and was not modified or clarified in any way.

The second were the Cabinet Mission proposals of 1946 which had categorically asked the Princely States to make their arrangements with the successor state, or states, the British planned to leave behind. In other words, there was no option for independence for these Princely States.

The successor entities, India and Pakistan, were not affected to the same degree. The area that became Pakistan had just three major Princely States — Kalat, Khairpur, Bhawalpur — and some smaller ones. The bulk of the 565 states were within or contiguous to the Indian Dominion and the lack of any specific arrangement in the Indian Independence Act of 1947 proved to be a major lacuna that had to be dealt with urgently.

Jawaharlal Nehru and Mohammed Ali Jinnah were agreed that the Princely States had some sovereign power, but where Nehru maintained that they all lacked the ultimate power of an independent state—the right to conduct international relations, Jinnah, at least till the time of independence, felt that they were fully sovereign. Neither leader believed that religion alone was a reason for a Princely State to accede to one or the other Dominion. This is best borne out by Jinnah's efforts to seek the accession of Jodhpur and some other Rajputana states to Pakistan, and his acceptance of the accession of Junagadh, a state with an overwhelmingly Hindu majority.

India was fortunate to have at the helm of affairs two very capable men — Home Minister Sardar Vallabhbhai Patel and his Secretary of the States Department, V.P. Menon — who persuaded most of the states to accede to India peacefully. At the time of Independence, August 15, 1947, the only holdouts were Hyderabad, Kashmir, Junagadh and two small states ruled by Muslim rulers in Kathiawar. Except Kashmir, all the others were surrounded by Indian territory and populated largely by Hindus. So it was perhaps inevitable that their fate was eventually decided by popular revolts and a judicious use of force by India. The fate of Kashmir was different.

**Jammu & Kashmir State**

Pakistan's claim on Kashmir is not based on the Indian Independence Act of 1947 that midwifed the birth of Pakistan itself. It has no legal foundations, such as an Instrument of Accession, nor is it based on linguistic or ethnic affinity. The Kashmiri-speaking Muslims of the Valley, who comprise the majority of the State, have a culture and identity distinct from the Muslims of Pakistan, and are only one of many ethnic and religious groups that people the State.

Pakistan's claim on Kashmir is based only on the fact that a majority of the population is Muslim and a belief, not founded on any fact or agreement, that Muslim-majority Princely States were to be part of the Dominion of Pakistan. Religion by itself does not constitute nationhood, neither for that matter, does only ethnicity or a common language. Were that the case, all Arab countries, which are overwhelmingly Muslim would be one nation, as would Germany and Austria or the various Latin American countries. Politics, not religion was the basis of Partition, since there could possibly be no single scheme to herd the Muslims of India, who lived in virtually every part of the country, into one or even two politico-geographical units.

Contrary to claims made by Kashmiri secessionists and their sympathisers, there is no legal ambiguity about the





accession of Jammu & Kashmir State to India. The key UN resolutions, that of the United Nations Security Council (UNSC) of January 1948 and the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) in August 1948 and January 1949 are clearly based on the fact that sovereignty of the entire state rested with the Indian Union. This was subject to a plebiscite, an offer that India volunteered at the time of accepting the Instrument of Accession and well before the UN began consideration of the issue. This plebiscite was never held, because Pakistan found one pretext or the other not to implement its prior conditions — namely, removing its Army and other forces under its control from the areas it had occupied. But equally, because the UN, instead of dealing with India's complaint of aggression in January 1948, diverted itself to devising means of conducting this plebiscite, thus deforming the political climate in which it could have been held.

Jammu & Kashmir had been part of the Mughal Empire since 1587 till it was conquered by the Afghans under Ahmad Shah Abdali in 1752. Then, after 67 years it was conquered by the great Sikh king, Maharaja Ranjit Singh in 1819 and remained part of his empire till 1846. Thereafter it came under the control of one of Ranjit Singh's feudatories, the Raja of Jammu, Gulab Singh, though not through conquest, but purchase. After the first Anglo-Sikh war, the defeated Sikhs were required to cede territory in Punjab as well as pay an indemnity of Rs 1 crore.

Since Ranjit Singh's successor did not have the means to pay the amount, he offered all his hill territory -- from the Beas to the Indus — to the British. The vast hilly expanse was not particularly valuable. So the British allowed Gulab Singh to take possession as the Maharaja of Jammu & Kashmir, in exchange for the sum of Rs 1 crore. This arrangement was sanctified through the Treaty of Amritsar signed on March 16, 1846. Additional territory in the north and north-east was added by Gulab Singh through conquest.

From 1852, the British maintained a Resident in Srinagar and also maintained a Political Agent in Gilgit Wazarat, the

tract of semi-autonomous feudatory states north of the Kishenganga river, from where they could keep a watch on Russian activity in the north. After the Soviets established control in Central Asia, the British took a sixty-year lease of the territory from the Maharaja and it was administered by a British officer and policed by the Gilgit Scouts. In July 1947, the British decided to terminate the lease and return the area to the J&K State. The Maharaja appointed Brigadier Ghansar Singh of the State's Force as governor. He flew into Gilgit and took over the Administration on August 1, 1947 from the British Political Agent, a Lt Col Bacon.

## The Emergence of Muslim Separatism

A glance back in history shows that separatism may have had some roots in the 19th century intellectual currents among Muslims. But contemporary records make it clear that there was nothing inevitable about this development or the partition of India. The actual course of the creation of Pakistan ran through the politics of the freedom movement, and an element of mischief on the part of India's British rulers. Following the 1857-1859 first war of independence, the Muslim community felt discriminated against, particularly in the north where British vengeance had ravaged the once proud Muslim nobility that had dared to rebel. While one stream of this community was inward looking and sought to purify Islam through education, another, too, focused on education, but looked to adapting to modern British ways. The former gave rise to the institution of the Dar-ul-uloom at Deoband, north-east of Delhi, which was aimed at equipping Muslim religious teachers with the intellectual means of imparting the basics of their faith to the general populace. The latter tendency resulted in the founding of the Aligarh Muslim University by Sir Syed Ahmed Khan.

Sir Syed attached the greatest importance to the spread of modern education among Muslims. He also stressed the





political identity of Muslims, viewing them as a distinct community. The way he saw it was that the Muslims had lost out to Hindus because of the 1857 revolt and so they must make special efforts to stay on the right side of the British rulers. He opposed any truck of the Muslim community with the Indian National Congress that had been founded in 1885. The organisation, founded by modernised Indians, based primarily in Bombay and Calcutta, gave rise to some disquiet among the British rulers. So the message of the Aligarh school, Sir Syed himself, his colleagues Munshi Zakaullah and Maulvi Nazir Ahmad, began to gain greater traction with the British.

The All India Muslim League was founded in 1906, coincidentally the year in which the British Viceroy Lord Minto promised separate electorates to the Muslim community. It was in this period that the British partitioned Bengal along communal lines, an act they had to undo in the face of a popular upsurge. But the event played a significant role in promoting Muslim separatism later. The Morley-Minto Reforms and the Government of India Act of 1909, through which Indians could be elected into legislative councils for the first time, albeit through a highly restricted electorate, had a provision for reserved Muslim seats in the Municipal and District Boards and Provincial Councils and in the Imperial Legislature. It also had a provision that only Muslims could vote for candidates in specified Muslim seats. This separate electorate issue was a major bone of contention between the Muslim League and the Congress. However there was a reconciliation of sorts when the Lucknow Pact was signed in 1916. Under this agreement, the Muslim League backed the Congress demand for self-rule, while the latter accepted the need for the establishment of separate Muslim constituencies in various bodies. As time went on, this separation became a major issue with the Muslims refusing to give up the privilege, and the others resenting this right.

The Government of India Act of 1919, also known as the Montagu-Chelmsford Reforms, consolidated separate electorates and transformed the Viceroy's executive council into

a bicameral legislature. But enfranchisement was by property and educational qualifications. The reforms were not meant to be a first step in the transfer of power, but a set of concessions that were directed more towards providing a modicum of self-rule in the provinces, and thus distracting India's demand for freedom.

As a follow-up to the Montagu-Chelmsford Reforms of 1919, and in response to the nationalist agitation, the British government also set up a three-member committee headed by Sir Harcourt Butler in December 1927, to look into the relationship between the Princely States and the paramount power. At one level, the relationship between the British rulers and the Princely States maintained a fiction that the latter were sovereign. However, they had none of the attributes of an independent power such as the right to conduct foreign relations or declare war. Whatever independence they had was at the sufferance of the British paramount power which was responsible for protecting their territories against external aggression, and the dynasties against internal strife. Actually the situation was more complex, many important cantonments were located in Princely States and important railway routes and telegraph lines passed through them. The British also enforced control of arms and ammunition, growing of opium and narcotics and currency in these States.

The committee came to India in early 1928 and toured some sixteen Princely States, but they did not meet the representatives of the subject people because it was outside their terms of reference. They did, however, accept a written representation from the All India States People's Conference, an organisation to promote democracy in the Princely States that had emerged in that very period in response to the setting up of the Butler Committee.

The rulers made their representation through Sir Leslie Scott QC and the bulk of their representation was heard in UK. Sir Leslie argued that the States possessed all sovereign power,





except that handed over to the British by treaty. He argued that 'paramount power' in the Indian context could only be the British Crown, not any presumably representative government that the British might be contemplating.

The Butler Committee did not quite agree with Sir Leslie; it said that the relationship was not based on old treaties, but was a living and evolving one. It pointed out that most of the States were themselves vassals of the Mughals, Sikhs or Maratha confederacy when they came into a relationship with the British, and could not claim to have had sovereign attributes. But the committee insisted that paramountcy had to adapt itself "to the shifting necessities of the time and progressive development of the states." On the other hand, it accepted Sir Leslie's suggestion that the Princely States could not be thrown at the mercy of any Indian Government in British India without their consent. So balancing these views, the Committee noted:

> *... in view of the fact of the historical nature of the relationship between the paramount power and the princes, the latter should not be transferred without their agreement to a relationship with a(ny) new government in British India responsible to an Indian legislature....* [Menon, *Integration*: 23-4].

## The Simon Commission and the Round Table Conferences

The Government of India Act of 1919 was seen as a transitional measure and the British had declared that they would review its working in a decade. In 1927, to facilitate the process, a statutory commission headed by Sir John Simon, was set up to look into the issue of constitutional reform, but it contained no Indian members. The proceedings of the commission were therefore boycotted by the Indian nationalists, and its only achievement was to give the Congress Party an opportunity to revitalise itself through the agitation against the commission. But its recommendations regarding the Princely States are interesting. The report agreed that

paramountcy should be controlled by a "Viceroy", rather than the Governor General. It recommended:

- The drawing up of a list of issues of common concern between the Princely States and British India.
- That the preamble of the new Government of India Act should make it clear that there should be closer association between British India and the Princely States.
- That a standing consultative body having representatives from British India and the Princely States, to be called a Council for Greater India, be set up.

Owing to the boycott of the Simon Commission, the British government asked the main political parties to come up with a viable scheme for constitutional governance and so, the All India Parties Conference constituted a committee in May 1928, headed by Motilal Nehru, to examine the issue. The Nehru Committee came up with a report later that year with a constitutional scheme for the establishment of a federal and secular Dominion of India based on adult franchise and abolition of separate electorates. On the issue of Princely States the Committee was clear that they would have to be part of the federation and that the "natural and legitimate aspirations of India cannot and will not be allowed to be defeated or checkmated by ingenious arguments...."

But while the committee was willing to recommend the need to protect the "rights and privileges" of the rulers, they wanted to make it clear that there would have to be some change in terms of government and administration in such States. Indeed, they wanted the Princely States to send elected representatives to the Constituent Assembly they envisaged as the progenitor of the new government system. The





Committee suggested that all treaties between the East India Company and the States and any subsequent treaties be made binding on any new government in British India.

The report was criticised by both the left wing of the Congress, as well as the All Parties Muslim Conference, where Jinnah came up with a fourteen-point list of demands that he said were necessary to safeguard Muslim rights.

**The Question of Federation**

The Simon Commission report was submitted in May 1930 and the Government of India sent its comments later that year arguing that while there was an essential unity that encompassed all of India, it was as yet premature to think of a larger political federation. In other words, India's democratic aspirations could be allowed to be worked out in the Provinces as envisaged by the Government of India Act of 1919.

The Commission also recommended a Round Table Conference of all political elements in India and it was convened in London at the end of 1930. The Congress that had given a call for complete independence in 1929, refused to attend. To compound it, in April 1930, Mahatma Gandhi launched the great Salt Satyagraha, straining relations with the British.

Three British political parties were delegates, and the British Prime Minister Ramsay MacDonald presided. There were fifty-seven Indians, including the rulers of Kashmir, Baroda, Patiala, Indore, Bikaner, Bhopal, Rewa, Sangli and Sarila. In addition, Sir Akbar Hydari represented Hyderabad, Sir Mirza Ismail, Mysore and Sir K. N. Haksar, Gwalior. The basic discussion was on the nature of a new constitution for India. The very presence of the Princes in such large numbers was an indication that the British viewed them as significant actors in the unfolding Indian political drama.

According to Ramusack, when the Round Table Conferences took place, "neither the British, nor the Indian nationalists saw the princes as political ciphers or puppets."

Both the British and the nationalists wooed the Princes, who retained significant autonomy of action in the constitutional negotiations that took place through the decade of the 1930s. [Ramusack: 245].

On the very first day, Sir Tej Bahadur Sapru, one of the major representatives of delegates from British India declared support for the idea of a federal, rather than a unitary India. Inviting the rulers to join the federation as an expression of national feeling, he declared that their presence would serve as a factor of stability for the arrangement. Sir Mohammed Shafi for one wing of the Muslim League, and Jinnah for the other, agreed with the idea of a federated India. Almost all the rulers strongly supported the idea, even though there were some who felt that the Princely States must first form their own confederation before linking up with British India. [Menon, *Integration*: 27-9].

Many smaller states, too, saw this as a chance of avoiding the loss of control over their internal affairs. In his statement, Sir Hari Singh, the Maharaja of Jammu & Kashmir, declared that "As the allies of the British, we stand solidly by the British connection. As Indians and loyal to the land of our birth, we stand as solidly as the rest of our countrymen for our land's enjoyment of a position of honour and equality in the British Commonwealth."

But the Conference failed because the Muslim delegates refused to support any constitutional schemes that did not have communal safeguards. As it is, the conference was divided between the Muslim delegates who supported a weak federation, and the others who wanted a strong central government. The British for their part were willing to offer Indians a role in the government in all areas, excluding defence and foreign affairs.

In 1931, the rulers of the Princely States, organised in a Chamber of Princes, met in Bombay, where there appeared a clear division between those who supported the federation idea, and those who opposed it. It was at this point that the





Maharaja of Patiala came up with the idea of a federation of Princely States that would join British India in a confederation. [Ramusack: 256].

The Second and Third Round Table Conferences took place on September, 1931 and November, 1932. There was a new slate of delegates for the second conference such as G.D. Birla, Madan Mohan Malaviya, Sarojini Naidu and Sir Muhammad Iqbal. The session was dominated by Mahatma Gandhi who had been released from prison somewhat earlier and who supported the idea of federation, but wanted complete control over defence and foreign affairs. The British rejected the demand, arguing for a transitional phase when British authority would coexist with that of the Indian government. There were divisions in the ranks of the Princely States with the larger ones demanding representation in proportion to their importance and population, while the Maharaja of Bikaner wanted an upper house of 250, with half this number representing Princely States so that all the major princes could have a seat. The Maharaja of Patiala continued to insist on a transitory confederation before moving to a federation.

The third conference was smaller than the other two, and the Congress was not there because it had resumed its agitation and most of the major rulers stayed away. The major issues considered here were that of the federal legislature and that of the States' instrument of accession to the federation. But the Conference was unable even to settle the issue of the size of the federal chambers and the proportion of seats for the British Indian and Princely States, and the manner in which the seats would be allocated for the latter. The issue was left for the Viceroy to resolve and he came up with a proposal for the Princely States to have 90 of 225 seats in the Upper House and 125 of 375 seats in the Lower House. After further discussion, the Viceroy suggested that some 24 such States with a 17-gun salute or more, have separate representation in the houses and the others be grouped. [Menon, *Integration* : 31-2].

In March 1932, the Chamber of Princes had what was perhaps its most important meeting which lasted ten full days. After a great deal of lobbying and pressures, a majority of princes voted for the federation. But they wanted safeguards in the form of personal seats for the rulers in the upper house, preservation of treaty rights and guarantees against intervention in their affairs by the federal government.

Clearly, the patriotic upsurge that persuaded many princes to back federation at the time of the first Round Table had waned. [Ramusack: 259].

**The Intellectual Roots of Partition**

The early 19th century had also been a period of great intellectual ferment within the Muslim community encouraged by the writings of Altaf Husain Hali, Syed Amir Ali and Shibli Nomani who celebrated the achievements of Islam's glorious past in India. This trend got considerable impetus from the Khilafat movement against the Western policy towards the tottering Ottoman Empire. But the greatest influence on modern Muslim thought came from Sir Muhammed Iqbal, the poet-philosopher, whose intellectual odyssey took him from ardent nationalism to pan-Islamism, and subsequently Islamic nationalism. He is now seen as the foremost ideologue of Pakistan. Early in the 20th century, Iqbal had begun to think of Islam as being not merely a religion, but a community and a nation as well. His belief that Indians could not have a common national consciousness led him to project the idea of a Muslim India within India, by the merger of Muslim-majority areas of the north-west. These ideas were articulated in his Presidential Address at the Allahabad Session of the All India Muslim League in December 1930

"The religious ideal of Islam," Iqbal argued, " is organically related to the social order which it has created. The rejection of the one will eventually involve the rejection of the other. Therefore, the construction of a polity on national lines,





if it means a displacement of the Islamic principle of solidarity, is simply unthinkable to a Muslim."

He went on to note that "various caste-units and religious units in India have shown no inclination to sink their respective individualities in a larger whole. Each group is intensely jealous of its collective existence." Iqbal argued that this situation provided a kind of community consciousness, or a "communalism in its higher aspect" which was "indispensable to the formation of a harmonious whole in a country like India." Adding:

> *The Muslim demand for the creation of a Muslim India within India is, therefore, perfectly justified. The resolution of the All-Parties Muslim Conference at Delhi is, to my mind, wholly inspired by this noble ideal of a harmonious whole which, instead of stifling the respective individualities of its component wholes, affords them chances of fully working out the possibilities that may be latent in them. And I have no doubt that this house will emphatically endorse the Muslim demands embodied in this resolution.*
>
> *Personally I would go further than the demands embodied in it. I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan amalgamated into a single state. Self-government within the British Empire, or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to me to be the final destiny of the Muslims, at least of North-West India. The proposal was put forward before the Nehru Committee. They rejected it on the ground that, if carried into effect, it would give a very unwieldy State. This is true in so far as the area is concerned; in point of population the State contemplated by the proposal would be much less than some of the present Indian Provinces.*

Iqbal was quite clear that the political entity he had in mind would be part of a loose federation, where the entities

created would ensure the majority of one or the other community. Muslims would have 33 per cent seats in the central legislature, which would exercise only those powers that were freely given by the largely self-governing States. With this scheme of things, he believed, the issue of communal tension or the issue of separate electorates would go away.

At this stage, it would seem, Iqbal was not arguing for partition. The idea of political separation actually came from a Punjabi student in Cambridge three years later in 1933. Chaudhary Rahmat Ali not only demanded the creation of a state, but gave it a name - Pakistan. In a four-page note, circulated in London, Chaudhary and three colleagues rejected the idea of a federation and demanded the creation of a separate sovereign homeland for the Muslims — 'Pakistan' - an acronym for P(unjab), A(fghania) or North-West Frontier, K(ashmir), I(ran), S(ind), T(urkharistan), and B(aluchistan) There was no immediate impact of this demand, but later in different circumstances, it captured the minds of Muslim leaders like Iqbal and Mohammed Ali Jinnah. The leaving out of Bengal in this imaginary grouping was portentous.

## The Government of India Act of 1935

But these consequences were as yet some distance away. In March 1933, the proposals and the negotiations of the Round Table Conference were published by the British government in London as a White Paper, which in turn became the basis for a Joint Select Committee of both Houses of British Parliament to consider in the framing of new political arrangements for India. The report of this committee was submitted 18 months later in October 1934, and on December 19, a bill was introduced in the House of Commons incorporating its suggestions.

Though the White Paper had recommended increasing to 100 the number of seats for the Princes in the upper house of 260, and removing the references to fundamental rights, the





Chamber of Princes was alarmed at this development. It believed that the provisions of the bill did not meet the requirements of the rulers, and a conference in February 1935 made it clear that "the Bill and the instrument of accession cannot be regarded as acceptable to the Indian states" without modification. [Menon, *Integration*: 33]. In the UK, too, the bill was resisted by Conservatives but despite opposition, it was finally passed and came into force on August 4, 1935.

The Act envisaged a federation of the eleven British Indian Provinces and the nearly six hundred Princely States. But there was an important difference, where in the case of the British Provinces — Madras, Bombay, Bengal, United Provinces, Punjab, Bihar, Central Provinces and Berar, Assam, NWFP, Orissa and Sind — accession was automatic, in the case of the Princely States, it would be voluntary. The ruler could accede to the Federation by signing an Instrument of Accession which would then have to be accepted by His Majesty's government.

This key difference between the British Indian Provinces and the Princely States was, as the Joint Select Committee report had pointed out, because the Princely States "possess sovereignty in various degrees are... under a system of personal government.

> *Their accession to a Federation cannot therefore take place otherwise than by the voluntary act of the Ruler of each state....*" (emphasis added) [Menon, *Integration*: 34].

This Instrument would empower the Federal government to exercise the powers that the acceding Princely State vested in them, but only on matters that had been accepted by the ruler. Though there were provisions for flexibility for the rulers in accepting or rejecting the subject matters of accession, there would be an element of standardisation as well.

To emphasise the rights of the rulers, the Princely States representatives in the upper and lower houses of the central

legislature would be nominated and not elected. The Council of States or Upper House was to have 156 members from the British Indian provinces and 104 from the Princely States. The House of Assembly or lower chamber, would have 250 representatives from the provinces, and 125 from the States. Both the chambers would be indirectly elected, candidates being chosen by Provincial Assemblies in the case of British India, and the rulers in the case of the Princely States. The franchise was now extended to 30 million Indians.

The federal government, comprising the two houses would, however, not be set up till a specified number of rulers of Princely States had signed Instruments of Accession. Since, this did not happen, the central government continued to function in accordance with the 1919 Act, and only the part of the 1935 Act dealing, with the provincial governments went into operation.

In the end the plan for a federation never worked out, because the Princely States did not want to relinquish any privilege. Neither did the Act itself assuage nationalist opinion because it was, in the final analysis, a means of reinforcing rather than surrendering British control. It is important to go into the detail of this constitution making since the Government of India Act was the basic building block of the Indian Independence Act of 1947 that created India and Pakistan. At the time of independence, the two Dominions accepted the Act of 1935, with few amendments, as their provisional constitution. In fact the 1947 Act's sections dealing with the relationship to the Princely States were lifted from those of the 1935 statute. And as the provisions indicate, they gave unfettered power to the ruler to decide whether or not he wished to accede to the union.

## A New Government for India

In 1936, the Marquess of Linlithgow, who had been the chairman of the Joint Select Committee that had written the





Government of India Bill of 1935, was appointed Viceroy and he pressed ahead with elections to the provinces and central legislature. Though both the Indian National Congress and the Muslim League had opposed the Act, they participated in the provincial elections of winter 1936-37, conducted under stipulations of the Act.

Lord Linlithgow was particularly keen to implement the Government of India Act fully by inaugurating the federation. To this end he sent special representatives to the various Princely States with drafts of the proposed instrument of accession which incorporated the discussions that had taken place till date between the rulers and the British government, both in the UK and Delhi. Three special emissaries toured the Princely States at the end of the year and held detailed discussions with their rulers and their representatives.

It became clear that the rulers were decidedly less than enthusiastic about the scheme, especially where it came to giving up any of their powers. They wanted guarantees to ensure that there would be no reduction of the limited sovereignty they had enjoyed till then, as well as sufficient fiscal independence to ensure that their right to collect taxes would not be taken over by the federal government. On the recommendation of the emissaries, the British Indian government now began to consider concessions that could be given to the princes to persuade them to relent.

The British decided to keep the federation issue aside and enable the newly elected governments in the provinces to take charge and so the Government of India Act came into force on April 1, 1937 and a largely Congress government came to power. But discussions on the federation continued between the Secretary of State for India, the Marquess of Zetland and the government in UK. But it became clear that while a majority of the States were ready to accept, important States were dead set against the idea. The wrangling continued and there was a debate within the British government about whether or not the Viceroy should pressure the rulers by making a public offer.

Meanwhile at their meeting in Bombay in November 1938, the Princes reiterated their commitment to the idea of a federation, but declared that without specific guarantees, they could not "duly discharge their duties to the Crown, to their dynasties and their peoples."

Finally the Viceroy did decide to make public the government offer and in January 1939, the major states were sent revised drafts of the Instrument of Accession that drew a line on the concessions the British Indian government was willing to make on the original provisions. The reply was not long in coming. Meeting in Bombay again, the Princes declared that the revised drafts were "fundamentally unsatisfactory" and were therefore "unacceptable."

## Congress, League and Princely States: Part I

Through the 1920s the Congress attitude towards the Princely States had been one of non-interference, and, in any case, it had no organisation of any standing in these States. Individual Congressmen, and among those were people like Mahatma Gandhi himself, came from a Princely State, but they focused their political activities against the British in India. Through the next decade, too, the Congress took a largely hands-off attitude towards the States.

But given the way the States were linked to British India, they could not but be affected by the Indian national movement and soon began to demand responsible government as well. The All India State's People's Conference, set up in 1927, became the vehicle for their demands. But through most of the 1930s, the Congress agitation was focused against British India and which left the freedom struggle in the Princely States to its own devices. The shift began to occur when the federation idea was mooted and when it became apparent that in the British scheme, the Princely States would be entitled to a substantial chunk of seats in the federal legislature, even as it was clear that these were not likely to





be allotted through any democratic principle, but dependent on the will of the ruler concerned.

In the Haripura session of the Congress in early 1938, the party officially declared its objective of obtaining "the same political, social and economic freedom in the states as in the case of the rest of India, and of considering the [Princely] States as integral parts of India." There was a tactical aim in the Congress view. While the party was sure of getting the bulk of the seats in the central chambers from the Provincial Assembly route, their interests would be better served if the rulers were compelled to send popular representatives.

The following year, 1939, Nehru presided over the All India States People's Conference annual meeting in Ludhiana and acknowledged the criticism that the Congress had a tendency towards non-intervention in the affairs of the States. But, he promised, that attitude was now past and declared that "The Congress as representing the will of the Indian people recognises no bars which limit its freedom of activity on any matter pertaining to India and her people." [Gupta: 40].

The Muslim League position was quite different. While League leaders were concerned about the need for responsible government in Princely States, they were largely for non-intervention in their affairs. For one thing, very few states fell within the Muslim-majority areas of north-west India and Bengal. For another, the League strategy in the 1930s was unifocal in that it sought to prevent the Congress from speaking on behalf of the Muslims of India. Explaining the Lahore resolution, Jinnah noted that the important states that mattered to him were in the north-western region – Kashmir, Bhawalpur and Patiala. "If these states willingly agree to come into the federation of the Muslim homeland, we shall be glad to come to a reasonable and honourable settlement with them. We have however no desire to force them or coerce them in any way." [Gupta: 45].

In this context, Sisir Gupta has cited an interesting exchange between Gandhi and Jinnah on the subject. In a letter of September 15, 1944 Gandhi asked:

*(1) Pakistan is not [mentioned] in the [Lahore] resolution. Does it bear the original meaning – the Punjab, Afghanistan, Kashmir, Sind and Baluchistan – out of which the name was neumonically[mnemonically] formed. If not what is it ? ...(2) How are Muslims under the princes to be disposed of as a result of this scheme ?*

Jinnah replied two days later on September 17:

*(1) Yes, the word Pakistan is not mentioned in the resolution and it does not bear the original meaning. The word has now become synonymous with the Lahore resolution.... (2) The Lahore resolution is only confined to British India. This question does not arise out of the clarification of the resolution. [Gupta: 46].*

As Gupta has pointed out, this "contradicts the current belief in many quarters, particularly in the West, that inclusion of Kashmir in Pakistan was an integral part of the aspirations of the Muslim League or that the very name Pakistan implied that Kashmir should be included in it." Through the mid-1940s, the League, for its part, maintained the hands-off policy towards the Princely States. Even as Partition approached, the policy remained unchanged and the League's main aim appeared to be to ensure that the Congress gained no advantage in relation to the States.

**Second World War**

The phase of constitutional activity begun with the Round Table Conferences and the Government of India Act of 1935 came to an end with the onset of the Second World War in September 1939 when the Viceroy took India into the war without so much as a by-your-leave to the Indian government and its political parties. He also declared that given the emergency, the issue of the federation would be put on hold.





The reason for this was the British need for the help of the Princely States— which provided a substantial number of recruits for the British Indian Army and had considerable forces of their own— in the coming struggle.

For its part, the Congress wanted the British to declare their war aims and only then decide whether or not to support the war. While the League offered support to the British on the condition that they be recognised as the "only organisation that can speak on behalf of Muslim India." The tension between the Congress and the British government led to the party's decision, in October 1939, to withdraw from the Ministries.

The Muslim League which had charged that the Congress ministries had been 'anti-Muslim' celebrated this development in a Day of Deliverance on December 22. With Churchill presiding over the government in UK, the British were in no mood to give any concessions to the Congress and used Jinnah's contrary attitude to ensure that there was no united Indian stand on the issue of independence.

In his presidential address to the Lahore Session of the All India Muslim League, on March 22, 1940, Jinnah declared that the British and the "Hindus" had failed to understand that there could be no common nationality for the Hindu and Muslim community. Islam and Hinduism were not merely religions, but "different and distinct social orders... They neither inter-marry nor inter-dine together and, indeed, they belong to two different civilisations which are based mainly on conflicting ideas and conceptions." It was fallacious to believe that they could "ever evolve a common nationality."

Jinnah declared that if the British Government wished the people of India well, "the only course open to us all is to allow the major nations separate homelands by dividing India into autonomous national states."

These ideas were incorporated into a formal resolution on March 23, 1940. This so-called 'Pakistan' Resolution did not mention 'Pakistan' by name, but it rejected the federal scheme incorporated in the Government of India Act of 1935.

Welcoming the steps taken by the Viceroy to take their views into account, the resolution made it clear that :

> *It is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz. that geographically contiguous units are demarcated into regions which should be constituted with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign.*

It was clear from the wording that the concept of a separate independent state was still vague, since the resolution did not specify the provinces in the zones it spoke of. Whether these 'independent states' were to be linked in federation either to each other, or to a larger federation was left unclear. As Ayesha Jalal has pointed out, at this stage, Jinnah "was keeping his options open for a constitutional arrangement which would cover the whole of India." [Jalal, *Sole Spokesman*: 59].

But the British were quick to sense opportunity and on April 9, the British War Cabinet declared that the resolution had 'complicated' the issue and made it difficult to come up with any new policy. Churchill skilfully used the Muslim League's antagonism to stave off American pressures to give concessions to the Indian nationalist sentiment. For his part, Jinnah used the opportunity to push the League agenda. [Singh: 57-8].

The resolution received less-than-enthusiastic support in the Muslim-majority provinces and was criticised by many leading lights like Allah Baksh, a prominent Sindhi politician and Sir Sikandar Haiyat Khan, the Unionist Party Chief Minister of Punjab. In a speech to the Punjab Legislative Assembly in March 1941, Sir Sikandar, who as a Muslim League member had helped draft the Lahore resolution, made it clear





that it was not a call for partition, but for federal arrangements, because Muslims were afraid "that a communal oligarchy might undermine or altogether nullify the autonomy and freedom of the provinces." [Menon, *Transfer*: 105].

But the entry of Japan into the war and their swift advance, leading to the fall of Singapore and the sinking of the *Prince of Wales* and *Repulse* were a shock to the imperial system. As American pressure to compromise with Indian nationalist opinion increased, the British Cabinet came up with a new set of proposals that were brought to India in March 1942 by Sir Stafford Cripps. The British government now agreed that India could have full Dominion status immediately after the war, with the option of leaving the Commonwealth, if it so chose later.

Elections to the provincial legislatures would be held after the war and the lower houses would act as a single electoral college and elect a new constitution-making body by proportional representation. There would be separate provision for representation by the Princely States, but not necessarily on a democratic basis. The Cripps offer on the Princely States was that they too had the right to have representatives in the constitution- making body and to accept or reject the new constitution. But there was one vital difference, when representatives of the rulers met him on April 2, 1942, Sir Stafford refused to give a clear answer as to whether a Princely State, or a group of them, not willing to join the Indian Union could form their own grouping. His response was that he was not in a position to give a clear cut reply since the issue had not been considered in the present context.

The rulers also wanted to know whether the Union would have paramountcy over the Princely States and whether the ruler could preserve his personal rights under the circumstances. Sir Stafford's reply was that States' paramountcy would be transferred to the Union for States choosing to join it, but would remain with the British for those that stayed out. As for other specific arrangements, they would depend on the detailed agreements worked out.

In a statement on May 16, 1942, Sir Stafford outlined the British expectations: "They (the Princely States) will therefore become wholly independent but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the states and British-Indian parties." The essence of the Cripps offer was for a united India, with a promise of strong regional autonomy.

In a letter to the Nawab of Chattari who had penned some queries on behalf of the Nizam of Hyderabad, Sir Stafford clarified his remarks. He noted that the Nizam did have the right to adhere to, or stay out of the Indian Union. However, if the State stayed out "the relations at present subsisting between the Crown and His Exalted Highness (the Nizam) would remain unchanged and His Exalted Highness would not be free... to cease to maintain them."

> *In other words, there was no third option of independence for Hyderabad state – the choice was between British or some Indian paramountcy.* [Menon, *Integration*: 51].

The debates and discussion made it clear that the Princely States were on a collision course with the national movement. In fact the Congress' statement outlining the reasons for rejecting the offer noted that while the representation of the Princely States in the constitution-making body would be a proportion of its population, the people would have no rights in choosing the representatives. [Gupta: 41] Second, and perhaps more important, they objected to the non-accession provisions as being tantamount to aiding secession.

The rising tide of nationalism was now affecting the subjects of the Princely States as well, and Sir Stafford's suggestion that they set up a system to air the genuine grievances of their people sounded like an alarm bell to their rulers. They sought a number of queries from the Political Department, particularly that relating to the suggestion that they could cluster together to form their own union. They were





politely informed by Lord Linlithgow that such an option was simply not practical.

Even though he had authorised the mission, Churchill and Linlithgow undermined Cripps' efforts right from the outset. Mahatma Gandhi famously called the Cripps offer "a post-dated cheque on a failing bank," and subsequent to its rejection, called for the Quit India movement of 1942 leading to a breakdown of relations between the Congress and the British government, which promptly put him and the Congress leadership under arrest.

**Towards Partition**

In the countdown to partition, between 1945 and 1947, British policy towards the princes "reflected a combination of expediency, nostalgia, and the desire to be seen as honourable, and perhaps doing the honourable thing." [Ramusack: 271]. But events took command of the situation and there were simply too many variables for any one party to control, or direct, the situation.

The Princely States made a last ditch stand of sorts with the election of the Nawab of Bhopal as the Chancellor of the Chamber of Princes. He began to position the Chamber as a third force between the antagonistic Congress and League. In late 1944, he worked on a plan for passing a resolution in the Chamber calling for the prohibition of the transfer of any power of the Crown to a third party, without the consent of the Princely States concerned. The British were now compelled to act, and the Viceroy, Lord Wavell, made it clear to the Princes that the government would not allow this resolution to be taken up.

Events now moved at a fast pace. With the end of the war approaching, the British offered a new plan for self-government, but this was not sufficient for the nationalists. The Viceroy called for a conference at Shimla on June 25, 1945 to discuss the creation of a new Executive Council which would virtually be a kind of national government. The British offer was to expand Indian representation in the Council and offer

it control of a larger number of subjects, including foreign affairs. Further in this set-up, the only British person would be the Viceroy and the Commander-in-chief. Lord Wavell made it clear that this was an interim arrangement and did not include the Princely States. His aim was to restart the process that had abruptly ended when the Congress had walked out of the Ministries at the beginning of the war. At the same time, the Secretary of State for India issued a statement in London that the Cripps offer was still on the table.

In the end, despite Wavell's best efforts the conference failed. The primary reason for this was Jinnah's insistence that he alone could nominate the Muslim members of the Council. Jinnah wanted a veto that the others were understandably unwilling to give him. He also wanted, as he wrote in a letter to the Viceroy, a mechanism to defend Muslim interest against majority votes in the Council. The Simla Conference was arguably the last opportunity for the nationalist forces to come up with a solution that would have kept India united.

The next month there was another dramatic development. Even as the war with Japan continued, elections took place in Britain leading to the shock defeat of the Conservatives and bringing the Labour Party under Clement Attlee to power.

At the very outset, the new Labour government made it clear that it was determined to push ahead with a plan to give full self-government to India. Lord Wavell announced that His Majesty's government would hold fresh elections to the central and provincial assemblies and then talk to the elected leaders as well as to the representatives of the Princely States about the form of a proposed constitution- making body.

The previous election to the Central Legislature had taken place in 1934 and to the Provincial Assemblies in 1936. Both elections would now be held with the same limited franchise but with the reserved electorates and seats provided for by the Communal Award of 1936. But the result of the December 1945 elections to the Central Assembly showed how





deep the divisions had become. The Congress won most of the general seats, while the Muslim League won each of the seats reserved for Muslims. The final tally of the total 102 elected seats was: Congress 57, Muslim League 30, Independents 5, Akalis 2, Europeans 8.

Even while working along the democratic path, Wavell as a good general, was also looking at contingencies. In a note to London at the end of the year, he raised the possibility of the British having to abandon their efforts and mandate a settlement on the Congress and the League, before retreating. The Viceroy was clear, however, that if there was no agreement between the two, the British would concede 'Pakistan', but this could comprise only of areas where the Muslims were in a clear majority. So they could not have the entire provinces of Bengal and Punjab, where there were substantial Hindu and Sikh minorities.

A few weeks later, in early February, he telegraphed a detailed proposal on the subject to the India Office of how the country could be divided, were the British forced to do so. This Breakdown plan envisaged Pakistan in two wings: In the east, Chittagong and Dhaka divisions, the Rajshahi division, excluding the northern tracts of Jalpaiguri and Darjeeling, Sylhet district of Assam, and the three eastern districts of Bengal Presidency. Calcutta could not be included since it had a Hindu majority.

In the west, Sind, North-West Frontier Province (NWFP), British Baluchistan, the Rawalpindi, Multan and Lahore divisions of Punjab, minus the Amritsar and Gurdaspur districts. As can be seen, these boundaries corresponded to the ones that Sir Cyril Radcliffe came up with in his award later in 1947, the only difference being that he insisted on a plebiscite in Sylhet and NWFP. Kashmir was clearly not on the horizon of the Pakistan that the British were now beginning to envisage. [French: 219- 220].

The results of the elections to provincial assemblies held in February 1946, too confirmed the Congress supremacy in the

country as a whole, even while indicating that Jinnah had now emerged as the principal spokesperson for the Muslims of the country. The elections and the accompanying rhetoric alarmed Wavell no end since they marked, on one hand, the supremacy of the Congress across the country, and on the other, its communal polarisation. He worried about what the British would do if the Congress now decided on a new Quit India movement.

There were other portents as well. In mid- February 1946, the Royal Indian Navy Mutiny in Bombay shook the tottering foundations of British power. Though it was quickly brought under control with the efforts of Sardar Patel, it created considerable turmoil in Bombay and other major cities. For a while it appeared that Lord Wavell's forecast of a breakdown was around the corner.

## The Cabinet Mission Plan

Prodded by the Viceroy's alarming reports, Attlee announced his decision to send a Cabinet Mission to India to settle the terms under which India would get self-rule. The Cabinet team comprising Lord Pethick-Lawrence, Sir Stafford Cripps and A.V. Alexander arrived in late March 1946 with the aim of working out a constitution-making framework for the country as a whole. Though the Secretary of State, Pethick-Lawrence was the leader of the delegation, its moving force was Sir Stafford, who saw this as a continuation of his earlier mission.

After consultations, the Cabinet Mission came to the conclusion that there were two options that could be negotiated on — First, a three-tier system where the bottom layer would be of the big Provinces, a middle-layer of groupings of smaller Provinces and Princely States. There would be a small top tier of the 'Central or Federal Government' that would handle communications, defence and foreign affairs, and where there would be parity between the Congress and the League. Second, a fall back option of simply partitioning India into a Hindustan and Pakistan.





These ideas were telegraphed to London and on April 11, Attlee gave his approval, even while making it clear that Pakistan was to be conceded if there was no alternative. In early May the Cabinet delegation called for another Simla Conference to sell the idea of a loose federation. This conference failed and the Cabinet Mission now decided to outline their plan through a *suo motu* announcement on May 16, 1946.

The essence of their proposal was that there should be a single Union of India comprising the British-Indian Provinces and Princely States dealing with foreign affairs, defence, and communications, and with some financial powers. The rest of the powers would remain with the Provinces and States. Provinces and States could form groups with their own executive and legislatures. In other words, India would become a loose federation or even a confederation.

The Cabinet Mission Plan seemed to indicate that while partition was appearing inevitable, the British leadership did not want to take the blame for it. So they declared their preference for a single constitution-making body. This new authority was free to seek full independence for India, or for it to remain a dominion within the Commonwealth.

The statement noted that they had considered the possibility of creating a Pakistan, but were unable to come up with a viable proposal since the six provinces demanded by Jinnah -- Punjab, NWFP, Sind, Baluchistan, Assam and Bengal had large non-Muslim populations. The second option, of including just the Muslim-majority areas, was rejected as impracticable by the League itself.

The Cabinet Mission had initially skirted around the issue of the Princely States' representation. The Chamber of Princes that had met in January 1946 had been assured that there would be no change in the relationship between the British Empire and them. However, the Princes had been clearly told that they had to meet the rising expectations of their populace for good, and even representative, governance.

The Cabinet Mission interviewed the leading princes, including the Chancellor of the Chamber, the Nawab of Bhopal who was quite forthright in stating that given the circumstances, his colleagues preferred to remain as they were, in other words, retain their sovereignty, or in fact, autonomy, that they had under the British Crown. They did not want paramountcy to be transferred to any successor Indian government, nor did they want a federation. If anything, they were for a kind of loose confederation, though some hotheads even spoke of independence. Among the most significant in this class were Hyderabad, whose representative made it clear that in the event of Partition, the State would join neither India nor Pakistan and expressed the desire to obtain special access to a port in Goa for trade with the outside world.

The Mission's view on Princely States was embodied in a formal Memorandum on the States' Treaties and Paramountcy handed over to the Nawab of Bhopal on May 12, but made public only after the Cabinet Mission Plan had been formally released on May 16. This memo made it clear that once India became independent, paramountcy would come to an end, since the Crown would not be able to carry out its obligations, even if the successor government remained in the British Commonwealth. In such circumstances, the obligations of the States to the Crown would also cease and they could become independent.

The bottom-line of the memo, however, was the catch 22 that after the lapse of paramountcy,

> *The void would will have to be filled, either by the States entering into a federal relationship with the successor Government or Governments in British India or failing this, entering into particular political arrangements with it or them* [Menon, *Integration:* 87].

There was no third option stated. Further, it was clear that there would be no transfer of paramountcy to any Indian





government. In essence, even though the British overlordship would end, and the Princely States would become nominally independent, their only viable option was to work out their arrangements with the successor government or governments of British India.

Confronted with this *fait accompli*, the Princely States, through the Nawab of Bhopal, now sought to put as many conditions as they could to hobble the proposed federal government. First, the Nawab sought clarification as to whether the States could maintain their own armed forces; second, he wanted a limitation on the federal government's right to raise revenue. He also called for a provision for a decadal review of the constitutional arrangement, and emphasised that the Princely States' representatives to any Constituent Assembly ought to be people-nominated by the rulers.

**Interim Government and Constituent Assembly**

By the end of July 1946, elections were completed for the 296 seats assigned for the British-Indian Provinces in the Constituent Assembly. The Congress won all the general seats except 9 and the League won 73 seats, all but five allotted to the Muslims. The issue of the additional 93 seats allotted to the Princely States remained open since there was no decision yet on the principle of allotment.

The Congress was uneasy about the Cabinet Mission proposals, but went along with the idea of a single Constituent Assembly. The League welcomed them as the first step towards Pakistan. But later when the Congress said they had problems with the grouping concept, the League took the opportunity to reject the proposals. A major irritant from the League's point of view was that they were not getting the parity in the proposed interim government that would hold office till the Constituent Assembly completed its work.

In December 1946, the Constituent Assembly working under the presidentship of Dr. Rajendra Prasad, appointed a

committee to negotiate with the representatives of the Chamber of Princes on the representation of the Princely States in the new Assembly. From the outset it was clear that there was little meeting ground between the two sides. A Standing Committee of the Chamber of Princes had been frantically looking for ways to undermine the gathering momentum towards free India.

Their views were embodied in a resolution, of the Conference of the Chamber of Princes in Bombay in January 1947. Stressing the fact that paramountcy would lapse, the Princely States wanted *ab initio* negotiations on their relationship with the Union. First, they wanted to retain all powers, other than those they would voluntarily cede. Second, they wanted assurances that the Union would not interfere with the succession of the ruling dynasty in their State, or redraw its boundaries without its consent. Third, they wanted an assurance that the Constituent Assembly would not go into the system of governance in the States.

The rulers were clearly out of tune with the growing tide of sentiment unleashed by the prospect of independence. Pressure from below led to the fracture in the Princes' unity. Baroda announced that it would not negotiate, but join the Constituent Assembly in February 1947 and Cochin followed. But the others stuck to the route of trying to negotiate an entry into the Constituent Assembly. The meetings in early February 1947 began on a chilly note, but Nehru soothed the apprehensions of the rulers by declaring that the Congress was committed to working along the Cabinet Mission Plan which had made its position clear vis-à-vis the Princely States. He also declared that his party was not *per se* against monarchy and did not intend to alter State boundaries without the consent of those concerned.

## Lord Mountbatten and Plan Balkan

The momentum towards independence took on an unstoppable pace when, on February 20, 1947, the British Prime





Minister Attlee declared that Britain planned to leave the subcontinent not later than June 1948, after transferring power to Indian hands. Ideally it would like to do this to a government created by a new Constitution. But if that were not possible, the British would consider whether to hand it to "some form of Central government for British India, or in some areas to the existing provincial governments...." [Menon, *Transfer*: 338].

He also announced the appointment of Lord Mountbatten as Viceroy in place of Lord Wavell. He made it clear, however, that the British would neither end paramountcy over the Princely States before independence, nor hand it over to the successor government. The States would have to work out their own relationship with any successor government. Mountbatten arrived in India on March 22, 1947 and made it clear in his first speech that his job was to preside over the dissolution of the British Empire in the period specified by Attlee.

But even at this stage, the rulers' aim was to see if they could persuade the Constituent Assembly to formally ratify what had been accepted in their negotiations with Nehru. But the Congress demurred and this was used by the Chancellor, the Nawab of Bhopal to urge his fellow rulers to boycott the Constituent Assembly. Bikaner and Patiala rejected this recommendation and decided to send their representatives to the Assembly anyway.

On April 18, Nehru upped the ante. Speaking at a meeting of the All India States' People's Conference, he declared that those states that stayed out of the Constituent Assembly would be treated as 'hostile' by the country and would have to bear the consequences. The threat worked and by the end of the month, Jodhpur, Jaipur and Rewa joined Baroda, Bikaner, Cochin, and Patiala in the Constituent Assembly and later some others followed.

Jinnah's lieutenant Liaquat Ali Khan was quick to respond. In a statement on April 21, he declared that according to the Cabinet Mission Plan and the British government's various clarifications, "the [Princely] States are perfectly within

their rights in refusing to do anything with the Constituent Assembly....When the decision regarding the future of British India has been announced, the Indian States will be free to negotiate agreements with Pakistan or Hindustan... *or they may choose to assume complete and separate sovereign status for themselves.*" [Gupta: 46, emphasis added].

After the League refused to join the Constituent Assembly, the Cabinet Mission proposal of a single union of India died a quiet death. Apart from the problem of the League's communal demand, its complicated three-tier government appeared unworkable. So Mountbatten now began to work on his own plan with the help of his advisers based on Attlee's February 20 statement that the British would hand power to either a central authority, or to the existing provincial governments.

Plan Balkan, as the name suggested, would ask all the provinces of British India — Madras, Bombay, UP, Bihar, Central Provinces, Orissa, Delhi, Ajmer-Merwara and Coorg— to confirm whether or not they wished to remain in the existing Constituent Assembly, In other words, each would be offered an option for independence. The Bengal and Punjab Provincial Assemblies would be split on communal lines, and if these separate meetings voted for partition, the Provinces would be divided. Indians would have to be responsible for their own partition.

The Princely States would be free to negotiate any relationship they chose with the parts of British India to whom powers were devolved. Somewhat ingenuously, the new Plan hoped that these units could then decide whether or not they should reunite into a single India. In other words, British India would be broken into its constituent units and then asked to work out the best way of reconstituting itself. Lord Ismay, Mountbatten's chief of staff and George Abell, his aide, took this plan to London, while the Viceroy went off to Simla to await the British government's response.

At Simla, he had discussions with Jawaharlal Nehru who was his house guest at the Viceregal Lodge. On May 10





Mountbatten received the go-ahead on the Plan from London, and he called for a meeting with Jinnah, Liaquat, Baldev Singh and the Congress leaders a week later to make the formal announcement. That night, however, he disclosed the details of the proposal to Nehru who was predictably stunned by the idea. Next morning, Panditji sent a confidential note to Mountbatten emphatically rejecting the Plan. His main point was that that where the earlier plans, including Attlee's February 20 statement, had acknowledged that there ought to be a single Union of India to begin with, Plan Balkan, brought up the prospect of not just Pakistan, but several successor states. [Menon, *Transfer:* 360-362].

## Mountbatten Changes Tack

Nehru's vehemence stopped Mountbatten on his tracks, and an alternative plan which V.P. Menon had been advocating and which was more or less similar to Wavell's Breakdown Plan, was put forward. Essentially, this involved the transfer of power to two successor governments on the basis of Dominion status. But before announcing it, Mountbatten needed to consult the British government and the Indian parties. So he postponed the all-party meeting for June 2, and he held informal consultations with the Congress and the League, and then left for London with Menon. There he sought and obtained approval for the new plan from the British Cabinet.

Back in New Delhi on June 3, 1947, Lord Mountbatten announced the British decision to quit India and a plan for its partition, with a simultaneous statement being issued in London by the British government. It lead off from Attlee's February 20 statement that the British had decided to transfer power to Indian hands by June 1948. It said that the hope that all major parties would join the Constituent Assembly had been belied, and so the British government had decided to devise a method to offer a separate Constituent Assembly to those deciding to stay away from it. In other words, partition India.

The Provincial Legislative Assemblies of Bengal and Punjab would each meet in two parts, one representing the Muslim-majority districts and the other, the rest of the Province. Legislators would decide through a simple majority whether or not they wanted their Province split. The actual lines of partition, if that was decided on, would be determined by a Boundary Commission. In this scheme, the Princely States would be governed by the Cabinet Mission memo of May 12, 1946 that said that they were free to accede to either of the two Dominions. The transfer of power would be based on the Government of India Act of 1935, modified to cater for Dominion status.

The plan was accepted by the Congress and somewhat reluctantly by Jinnah, who realised that the Congress concurrence with the British left him little room for manoeuvre. Under the June 3 plan, the British decided to introduce an act in the British Parliament to facilitate the transfer of power within the year— on a Dominion status basis— to one or two successor governments, leaving open the option for either of the states to join, or stay out of the Commonwealth.

On the evening of June 3, Lord Mountbatten met the representatives of the Princely States and told them that the decision to create two Dominions now provided them some additional flexibility. He also told them that if the States had not worked out new arrangements, particularly for tariffs and customs duties, by the time paramountcy lapsed, they could work out Standstill Agreements that would allow *status quo* to be maintained till the new arrangements could be put in place.

Not surprisingly, he was quizzed as to what would happen if the Princely States chose not to join either of the two Dominions. Lord Mountbatten did not give a direct reply but noted that, in the British view, geographical and economic compulsions made it essential that they would have to work out some arrangement with one or the other Dominion. This was underscored by his remarks at a press conference the following day, where he made it clear that the British would





not give Dominion status to any Princely State that declared independence. He also announced that the transfer of power would now occur much earlier, by mid-August 1947.

Mountbatten's message was bitter news to the radicals in the Chamber of Princes. Its Chancellor, the Nawab of Bhopal resigned from the body because, as he said in a letter to the Viceroy, "Bhopal State would, as soon as paramountcy is withdrawn, be assuming independent status." On June 11, Sir C.P. Ramaswami Aiyer declared that with the lapse of paramountcy, Travancore would become independent and the next day, the Nizam of Hyderabad, declared he would follow suit.

**Congress, League and the Princely States: Part II**

The Cabinet Mission Plan had anticipated that paramountcy would lapse only after a successor government or governments had been established. But the June 3 plan made it clear that paramountcy would lapse the day the British gave up power to the new Dominions. The pressure was now on both the Princely States and the Government of India to come up with solutions. If the Princely States could not work out their respective deals with the Dominions, they would soon be left high and dry. On the other hand, if the problem of Princely States was not effectively resolved by the time the British left India, it could lead to chaos and the collapse of the new nation(s).

As the countdown to Partition began, the Congress had hardened its position towards the Princely States, while the Muslim League stuck to its "hands off" policy and actually advocated the case for their independence. The League's assertion of the sovereign rights of the Princes was sound strategy from its point of view. Just three major Princely States, Kalat, Bhawalpur and Khairpur were contiguous to the areas that were expected to be Pakistan, though the first-named claimed to belong to a special category. On the other hand, India would have hundreds of states, large and small, across

its length and breadth. Acceptance of sovereign rights would vastly complicate matters for the new nation and prevent its effective consolidation.

The issue became more urgent following the announcement of the June 3 partition plan. As Menon recounts, things came to a head at a meeting on June 13, 1947 where Nehru, Jinnah, Mountbatten and Sir Conrad Corfield, the political adviser to the Princely States, met along with other top leaders like Sardar Patel and Liaquat Ali Khan, to decide what the new arrangements could be. Corfield argued that the wording of the May 12 Cabinet Mission memo that spoke of Princely States entering "into particular political arrangements" if they were not willing to join the federation, provided for the possibility of independence.

Nehru countered that while any Princely State, if it chose, could join the Pakistan Constituent Assembly, there was nothing in the Cabinet Mission Plan to enable a Princely State to claim independence. Jinnah's view, however, was that the Princely States were fully entitled to stay out of either Constituent Assembly because they were fully sovereign. According to him, the Indian States were bound to the Crown only insofar as they had treaties with it. Once the treaties lapsed, there was nothing to bind them to successor governments of British India.

Nehru's rejoinder was that the sovereignty of Indian Princely States was a fiction. They did not have the full attributes of sovereignty such as the power to have international relations, nor the power to declare war. He said it was clear from the Cabinet Mission memo that the only option the Princely States had was to join one or the other Dominion. [Menon: *Integration:* 86-8].

The following day All India Congress Committee meeting of June 14, 1947 passed a resolution protesting the British interpretation of doctrine of the lapse of paramountcy. It declared that no Princely State had the right to independence and that the relationship between the States and the





Government of India could not be dramatically changed by the lapse of paramountcy. Jinnah's response to this came three days later on June 17 where he declared:

> *Constitutionally and legally the Indian States will be independent sovereign States on the termination of paramountcy and they will be free to decide for themselves and to adopt any course they like.... Join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly, or decide to remain independent....* [Gupta: 48].

Jinnah repeated this point in a declaration of July 30 and, simultaneously, he held discussions with the Dewan of Travancore, the state that had declared its intention of remaining independent, with a view to establishing diplomatic relations. According to Sisir Gupta, the Quaid's main target was not Travancore, but the Muslim-ruled states of Bhopal and Hyderabad, which, too, had declared that they would prefer independence.

**Independence and the Princely States**

The Indian Independence Act passed in the British Parliament on July 17, 1947 incorporated elements of the Government of India Act of 1935, the Cabinet Mission Plan and the June 3 offer. Under the Act, the British would transfer power to two Dominions, India and Pakistan by midnight of August 15. "India" would comprise the United Provinces, Central Provinces, East Punjab, West Bengal, Bombay and Madras Presidencies, Assam and the North East Frontier Agency, while "Pakistan" would be constituted of West Punjab, East Bengal, Sind and British Baluchistan. The British monarch remained head of state through the two Governors-General. Paramountcy over the Princely States would cease and they were technically free to join either Dominion. There was no provision for the accession of Princely States in the Act itself.

The official statement noted that the British government policy contained in the Cabinet Mission memorandum of May 12, 1946 remained unchanged.

The legal mechanism was created by adapting Section 6 of the 1935 Act, and India and Pakistan modified it with similar language which declared that a state will have deemed to have acceded to the new Dominion, if the Governor General accepted an Instrument of Accession executed by the ruler of the State. It was made clear that the Dominion legislature, executive and judiciary would have only those powers that were specified in the Instrument. Both the Indian and the Pakistani versions were clear that the right to sign the Instrument of Accession, or to subsequently modify this, was exclusive to the ruler, subject to its acceptance by the Governor-General. [See the text of the relevant sections in Lakhanpal: 48-50]. To cater for any delay in accession, Section 7 of the Act provided for a continuance of the existing arrangements on customs and excise, transit and communications, till they were repealed by a fresh agreement. For this purpose a form for a Standstill Agreement was worked out.

On July 5, just about a month ahead of Independence, V.P. Menon, took over as Secretary to the new States Department. Working with Sardar Patel and Lord Mountbatten, Menon came up with an accession scheme wherein the Princely States would, through an Instrument of Accession, cede the authority for defence, foreign affairs and communications to the Government of India. Since this authority had in the past been managed by the Crown, the rulers would not be giving up anything new. Arrangements on other issues would be worked out later. The one alternative available was that of a Standstill Agreement whose draft, too, had been worked out by the States' Department.

On July 25 this scheme was presented to the Chamber of Princes by Lord Mountbatten acting as the Crown Representative. He urged them to accept the proposal noting that they would still be left with all the practical independence





that they needed and assured them that there would be no encroachment on their sovereignty. He told them that while they were free to join either Dominion, there were some geographical realities that could not be ignored. He urged the Princely States to join up before August 15, once again underscoring the need for the rulers to confront the consequences of independence. Jinnah who was present at the meeting objected to the policy and declared that in Pakistan, the States would be free.

By the end of July, a specially empowered Committee of rulers and government ministers finalised the draft Instruments of Accession and the Standstill Agreement. The principal Instrument of Accession, meant for some 140 fully empowered Princely States, would have them hand over all powers for defence, foreign affairs and communications to the Union government. Another Instrument was used to bring in some 70 smaller states, while a modified version was used to incorporate some 300 taluqdars and small estate holders.

But the situation in some Princely States was far from clear. Travancore, Bhopal and Hyderabad had declared that they would become independent after the transfer of power, several other Princely States were toying with the idea as well. The Muslim League had awoken to the importance of the issue and had begun to woo border states, especially those of Rajasthan, with concessions. In addition, some British officials like Sir Conrad Corfield and his Political Department were not above encouraging the Princely States to come up with some kind of a 'Third Front.'

Internal pressure and some tough talk eventually persuaded Travancore to agree to accession with India and this had a salutary effect on several other states. But some like Jodhpur continued to waver. Jinnah offered the Maharaja a blank sheet of paper with his signature, asking the latter to fill in any conditions that he wanted. Fortunately, public opinion and some cajoling by Lord Mountbatten and Menon persuaded him to throw in his lot with India. The other hold-out, the Nawab of Bhopal was handled in the same way, though he tried his best

to get more concessions till the last minute. Another ruler, the Maharaja of Indore, too, supported Bhopal and refused to even discuss the issue. But he later gave in and sent in his signed Instrument of Accession and Standstill Agreement by post, without so much as a covering letter. Other rulers who held, out like Dholpur, Bharatpur, Bilaspur and Nabha, also fell into line when they were told that the Instrument of Accession in the current form might not be available after August 15. On the day of Independence, the only hold-outs were Hyderabad, Kashmir, Junagadh and two small states ruled by Muslim rulers in Kathiawar. [Menon, *Integration:* 115-20].

## Junagadh, Kalat and Hyderabad

Almost a prelude to the conflict on Jammu & Kashmir, the two new Dominions got involved in the issue of Junagadh. Initially the State had declared that it would, together with the other Kathiawar States, accede to India. But in mid-1947, under a new Dewan, Sir Shahnawaz Bhutto, the father of Zulfikar, the State's position changed. And on August 15, it announced its accession to Pakistan. The situation was quite complicated for India. Besides the fact that 80 per cent of the people were Hindus, the State's location amidst a clutch of other Princely States made the situation complicated. Nehru even declared India's willingness to abide by a plebiscite with regard to accession, but to little avail. On September 13, 1947 Jinnah disregarded New Delhi's concerns and suggestions and accepted its accession. [Menon, *Integration:* 126-9]. The crisis as it developed now involved not just Junagadh, but it's subsidiary entities Mangrol and Babriawad who decided to accede to India. While the former retracted it's accession under Junagadh's pressure, the latter, a small area of 51 villages, was occupied by the State's forces. Junagadh's accession also led to a mass exodus of Hindus from the State, contributing to the sense of crisis.

Even as Nehru pressed Liaquat Ali Khan to persuade Junagadh to withdraw its forces from Babriawad at a meeting





of the Joint Defence Council on October 1, the State forces had invaded Mangrol. Liaquat disregarded New Delhi's concerns arguing that "a ruler had the absolute right to accede without reference to the moral or ethnic aspects of the accession." [Menon, *Integration:* 139-40]. The situation led to a complete disruption of the State's finances and the ruler decided to flee at the end of October. He emptied the treasury and left with some of his dogs, wives and family jewellery. A week or so later, Sir Shahnawaz wrote to the regional commissioner and handed over the administration to the Government of India. The administration was taken over on November 9, while Sir Shahnawaz had fled a day earlier. A Government of India Cabinet meeting on the following day decided that there could be no joint India-Pakistan plebiscite in Junagadh, though New Delhi was not averse to one held by the United Nations.

All this was, as will be seen, happened at the highest point of the crisis that was to emerge from the tribal invasion of Jammu & Kashmir State, its consequent accession to India and the dispatch of the Indian Army that managed to block and push back the invaders. Keeping up the façade of Pakistani non-involvement in the tribal invasion, Liaquat actually telegraphed Nehru on November 11 declaring that the Indian action was an act of hostility against Pakistan and that India should withdraw its forces and administration from Janagadh. [Menon, *Integration:* 145-6].

Pakistan's capricious approach to the rights of the Princely States was evident in another equally sordid episode relating to Kalat. The Khanate of Kalat had a unique role among the Princely States. Though a vassal of the British Empire with a 19-gun salute, the Khan of Kalat was the overlord of the various Sardars of Baluchistan. Mir Ahmed Yar Khan, the Khan of Kalat in the 1940s, was an enthusiastic supporter of Pakistan and Mohammed Ali Jinnah was in fact on the rolls of the State as a legal adviser. The Khan was not a member of the Chamber of Princes because he believed that unlike most Princes who had a relationship with British India, Kalat was unique in that it's

relationship, based on a treaty of 1876, was directly with the British Crown. In that sense it's position was similar to Nepal, Bhutan and Sikkim which were British protectorates, but not part of the British Empire. In fact, the Khan, advised by Jinnah and a galaxy of legal advisers presented a memorandum to the Cabinet Mission claiming an independent status.

At a meeting in New Delhi on August 4, 1947, attended by Mountbatten, the Khan, Jinnah and other officials, it was decided that the State would become independent. Rulers of two smaller principalities controlled directly by the British – Kharan and Las Bela – were told that they would revert to Kalat State.

Given Jinnah's views, as well as the fact that he was counsel for Kalat, the Muslim League position on Kalat at the time of independence was that it had the unfettered right to declare independence.Three days before Pakistan became independent, on August 11, 1947, a joint statement was signed by the Government of Pakistan, headed by the League, recognised the independence of Kalat. The operative part of the communiqué was:

> *As a result of a meeting between a delegation from Kalat and officials of the Pakistan States Department, presided over by the Crown Representative and a series of meetings between the Crown Rep, HH the Khan of Kalat, and Mr. Jinnah, the following was the situation:*
>
> 1. *The Government of Pakistan recognises Kalat an independent sovereign state; in treaty relations with the British government, with a status different from that of Indian states.*
>
> 2. *Legal opinion will be sought as to whether or not agreement of leases made between the British government and Kalat will be inherited by the Pakistan government.* [Foreign Policy Centre: 21].





Pakistan subsequently claimed that this was just a Standstill Agreement. But Wayne Wilcox argues that this is simply not true.[ Wilcox: 76-7].

On August 15, a day after Pakistan became independent, Kalat declared it's independence, which was endorsed by it's elected National Assembly. However, the State said it was willing to enter into special relations on Defence, Foreign Affairs and Communications. On January 4, 1948, the Upper House comprising the Sardars of Baluchistan, too declared that "this House is not willing to accept merger with Pakistan." Later a no-accession bill was passed by the Assembly.

Baloch leaders like Ghaus Bux Bijzenjo and the Khan himself tried to get Indian help in establishing their claims for independence, but they got little comfort. Nehru rejected the idea of independence, Maulana Azad agreed that Kalat was a special case, but given the circumstances it could not survive as an independent entity. A remark, apparently wrongly attributed to V.P. Menon that the Khan had sought accession with India was broadcast on All India Radio and a panicky Khan quickly denounced the report and agreed to accede to Pakistan.

Despite the decision for independence by the Khan, its endorsement by the two Houses of the Kalat Assembly and endorsement by the League itself, Pakistan decided on a different course. It first detached Kharan, Las Bela and Makran, Kalat's feudatories by persuading them to accede to Pakistan. Pakistani forces were massed on its borders and on March 27, the Khan was compelled to sign the Instrument of Accession which was accepted by Jinnah three days later. On April 1, the Pakistan Army marched into the State and arrested the Khan. His brother, Prince Abdul Karim escaped and declared a revolt and issued a manifesto opposing accession. From May 1950 onwards, he launched guerilla operations, but the Khan, "threatened with reprisals", persuaded him to surrender. The Pakistani authorities disregarded their safe-conduct assurances and arrested the Prince and his supporters and sentenced them to long prison terms.

Yet another revolt broke out in 1955 when the four provinces of West Pakistan were merged into One Unit, so as to counter-balance the weight of East Pakistan. When the Khan and Abdul Karim resisted efforts to undermine Balochistan's identity and limited sovereignty, the Pakistan Army again marched in on October 24, 1958 and arrested the Khan and his followers after they announced secession from Pakistan. This and subsequent revolts, including which is currently underway have been dealt with through a heavy hand, with little effort to reach out to the Baloch people.

Interestingly the same actors who played the Kashmir game were active in Balochistan. The Quaid's role was somewhat ambiguous considering his professional relationship with Kalat. Following the Kashmir pattern, the Quaid placed himself above the fray and allowed Liaquat to follow through with the endgame with the help of A.S.B. Shah, the Secretary in the States Department and Major-General Akbar Khan.

The British hand, too, is visible in the shift that took place between 1946 when the British felt they could live with an independent Balochistan, to 1947 when they felt it would be too dangerous to allow this to happen. This is borne out by the correspondence between the Secretary of State Lord Listowell and Lord Mountbatten. The British High Comissioner in Pakistan was accordingly asked "to do what he can to guide the Pakistan government away from making any agreement with Kalat which would involve recognition of the state as a separate international entity."[Foreign Policy Centre: 22].

On July 11, 1947, Hyderabad sent a delegation to Delhi headed by the Nawab of Chhatari, the president of its Executive Council and sought, among other things, Dominion status. Lord Mountbatten rejected the request outright. On the issue of accession, the delegation said that the State was unwilling to accede to India. In the following months, the Nizam sought to negotiate with New Delhi on political arrangements that would not quite amount to accession. He was willing to conform to all-India standards on communications as well as





contribute troops, under certain confitions, for the defence of India. New Delhi refused to entertain these requests and kept on pressing accession.

Following the invasion of Jammu & Kashmir, the Nizam sensed opportunity. He dispensed with his British advisers and began to rely on the Ittehad-ul-Muslimeen, a radical outfit headed by one Kasim Razvi, which led a paramilitary outfit called the Razakars. On November 29, 1947, the Nizam agreed to sign a Standstill Agreement through which the relationship between the Crown Representative and the State on matters relating to defence, communications and foreign affairs would, for the time being, continue to be dealt with through the Government of India.

In the ensuing months, a slow-motion drama unfolded in which Hyderabad sought to expand its options, despite the commitments of the Standstill Agreement, and the Government of India sought to press them to move forward on accession. At the same time, the rising influence of Kasim Razvi and his Razakars persuaded the Nizam to adopt militant postures. The Government of India had intense discussions with the representatives of the Nizam, Laik Ali, who was now head of the Executive Council and Sir Walter Monckton, various draft agreements were worked out, but to no avail. By the end of June 1948, the negotiations process had broken down. By this time Lord Mountbatten, who had been intimately involved in the effort to work out Hyderabad's accession had left his office as Governor-General, replaced by C. Rajagopalachari.

In August, Hyderabad upped the ante by seeking the assistance of the UN and the United States. The situation now came to a head and the following month, on September 13, the Government of India ordered the Army to move in. The State was quickly occupied, the Nizam acceded to India and withdrew his case in the UN.

The story of Jammu & Kashmir took a different turn. On August 12, 1947 Jammu & Kashmir sent out identical telegrams to India and Pakistan requesting a Standstill

Agreement "on all matters that exist at the present moment with the outgoing British India Government." Pakistan accepted through a reply on August 15, while India demurred, asking for a Minister to fly out to Delhi to negotiate the agreement. Eventually, no agreement was reached between the two. The principal reason for this was Nehru's desire to maintain pressure on the Maharaja to free Sheikh Mohammed Abdullah, the leader of the National Conference.



# *Pakistan's Military*
## *Adventure in Kashmir*

The Pakistani case as it was put forward by Prime Minister Liaquat Ali Khan on November 4, 1947 in Karachi was that "the accession of Kashmir to India is a fraud, perpetrated on the people of Kashmir by its cowardly Ruler with the aggressive help of (the) Indian Government." Other Pakistani commentators have claimed that accession was a result of a conspiracy between India and Maharaja Hari Singh of Jammu & Kashmir. But, being made after the attack on the State by a tribal army organised by Muslim League personnel and civil service officials, and led by Pakistani military officers, this was clearly a *post-facto* rationalisation.

Actually, as the record shows, that there was a conspiracy, but it was not in India and J&K, but in Pakistan, and its aim was to secure the accession of the State by persuasion, coercion, and if necessary, force.

Before independence there may have been a geographical link of the State with the areas that became Pakistan, but there were few political links between Jammu & Kashmir, especially the populous Vale of Kashmir, and the Pakistan movement. Indeed, as we have shown, till the end of July 1947, Mohammed Ali Jinnah, the Muslim League's supreme leader, had maintained that the Princely States had

the unfettered right to join whichever Dominion they wanted, or to remain independent. Neither – as the episode of Jodhpur and Travancore, or the League position on Hyderabad and Junagadh revealed – was the issue of accession seen as being related to the religion of the majority of the people of a state.

This was, of course , a convenient position, since the Princely States were mostly located in India and the greater the degree of freedom the rulers retained, the weaker would be the Indian Union. And till July 1947, no one was sure how the game of accession would really be played out. In line with this, Jinnah's attitude towards politics in the States was to seek the support of the political organisations for his struggle for Pakistan, and steer clear of domestic issues. On the other hand, the Congress, particularly its leader Jawaharlal Nehru, tended to see the Kashmir issue in its domestic political context to an extent that it clouded his views on the State's accession to India.

When the Quaid visited Srinagar in the summer of 1944, he did not seek to propagate the Pakistan idea there, but asked Sheikh Abdullah of the National Conference and Ghulam Abbas of the Muslim Conference to join the League in its fight for Pakistan. After failing to get them to unite, he endorsed the Muslim Conference as the representative body of the Muslims of the State, because the National Conference was open to membership of non-Muslims. Relations with Abdullah were consequently not just strained, but somewhat bitter. Later, in July 1947, he even persuaded the Muslim Conference to move a resolution in Jammu to support the idea of the State retaining its independent status. [Zaheer: 45 and 70].

At the time, however, the fate of the State was not in the hands of Abdullah or Abbas, but in those of its Maharaja, Hari Singh. In the debates and discussions that took place before the British departure, Jammu & Kashmir had not played a major role. We have seen that while Travancore, Bhopal and Hyderabad had declared independence, some had considered accession to Pakistan, Hari Singh, had been quiet. Nevertheless, he was keenly watching the developments and trying to keep





his ship of state afloat on an increasingly turbulent Indian subcontinent.

The reason for his caution was that Kashmir's own politics were centred around the call for an end to the arbitrary rule of the Maharaja. It was led by the National Conference, an outfit that had evolved from the Muslim Conference founded by Sheikh Abdullah in 1932. But in 1939, the Sheikh had changed the name of his organisation to reflect his socialistic and secularist leanings. Abdullah, who had studied at the Aligarh Muslim University, was influenced by Congress leaders like Nehru, Maulana Azad and Mahatma Gandhi.

However, after the Pakistan resolution of 1940, Ghulam Abbas and a number of Jammu Muslim leaders – supported by Mirwaiz Yusuf Shah – revived the Muslim Conference. They were ideologically closer to the Muslim League because their major area of influence was the Jammu province, and hence they were closer to the Muslim politics of Punjab and were supporters of the idea of Pakistan. Abdullah had, by 1944, evolved in another direction, and he pushed the NC to come up with the programme for *Naya Kashmir* (New Kashmir) whose goal was to establish a constitutional monarchy in the State with a socialist and secular government, ideas that accorded well with the views of Jawaharlal Nehru, rather than Mohammed Ali Jinnah. Abdullah also associated himself with the All India State's People's Conference, the body set up in 1927 to press for the rights of the people living in Princely States.

In 1945 after his release from prison, Pandit Nehru visited the State and was given a rousing welcome, organised by the National Conference. He not only endorsed the NC's programme, but called on Hindus to support Abdullah. Relations between the Maharaja and Pandit Nehru consequently, were not particularly good, but they deteriorated after Nehru began to vociferously support Sheikh Abdullah's Quit Kashmir movement aimed at ending Dogra rule. In June 1946, following the Sheikh's arrest, Pandit Nehru tried to enter the State but he was himself arrested and turned back at the

border. Nehru wanted an end to the Maharaja's arbitrary rule and its replacement by a government headed by a popular leader, preferably, Sheikh Abdullah. Given the popularity and programme of the National Conference, a number of Indian leaders felt that the logical place for Kashmir would be the Indian Constituent Assembly.

## The Pakistani Conspiracy

Pakistani plans for using force to grab Kashmir had been taking shape from the very moment the country came into being on August 14. By this time it was clear that, contrary to expectations in some circles, the bulk of the Princely States would accede to India and so, there was a change in the original Pakistani position that they had the unfettered right to accede to either Dominion, or stay independent. This was first apparent from an editorial in *Dawn* on July 29, 1947 calling for Kashmir to accede to Pakistan, or face negative consequences. [Gupta: 100]. In September, Jinnah expressed his desire to visit the State on vacation, but was disallowed because of worries that he would fan unrest. But, Mian Iftikharuddin, a former Punjabi acolyte of Nehru who had defected to the League, did visit Srinagar in early September to see the lie of the land. The Mian, as we will see, was very much involved in the conspiracy to ensure the accession of the State to Pakistan by force.

The Pakistani conspiracy has been fleshed out in considerable detail since. Major General Akbar Khan, detailed some elements of this in his book *Raiders in Kashmir (1972)*. Khan, who was subsequently cashiered and imprisoned for his role in a coup attempt, had not much love lost for the Pakistani establishment and has thus provided a reasonably open account. He recapitulated the events in an interview to the *Defence Journal* (Karachi) in June-July 1985:

> *A few weeks after Partition, I was asked by Mian Iftikharuddin on behalf of Liaquat Ali Khan (Prime Minister of Pakistan) to prepare a plan for action in Kashmir. I found that the Army was holding 4,000 rifles for the civil police, if these could be given to the locals an armed uprising in Kashmir could be organised at suitable places... I was called to a meeting with Liaquat Ali Khan at Lahore where the plan was adopted...*





In his book, he recounted the events: Some time in early September 1947, while holidaying in Muree, the hill-station near Rawalpindi, he met Sardar Ibrahim Khan, a Poonchi lawyer who later became President of Azad Kashmir, who sought his aid in obtaining rifles for the rebels. (We may take this account at face value, but Akbar Khan *was* the Director, Weapons and Procurement and had access to 4,000 Lee-Enfield rifles of .303 bore which were slated to be supplied to the police). A few days later, he was introduced to Mian Iftikharuddin, who told him that he had been deputed by Prime Minister Liaquat Ali Khan, to look into the issue of Kashmir's accession to Pakistan. The assessment in the League circles was that the Maharaja would not willingly accede to Pakistan and therefore there was need for armed action, for which they wanted Akbar Khan to prepare a plan. Mian Iftikharuddin made it clear that the plan had the blessings of the Prime Minister, but all the money would come through covert channels since Pakistan could not be seen as being openly involved.

Akbar Khan notes that he was motivated to push for the plan because he and some other military officers believed that if Kashmir acceded to India, it could be strategically disastrous for Pakistan. Not only would India have access to the North West Frontier Province, where the Khudai Khidmatgar movement led by Badshah Khan had stood resolutely against Pakistan till overwhelmed by League National Guards by force and fraud, but would virtually overlook the entire Pakistani lines of communications between Rawalpindi and Lahore. For Khan and others who had planned the operation, "Kashmir's accession to Pakistan was not simply a matter of desirability but of absolute necessity for our separate existence. " [Khan: 18-19].

On Iftikharuddin's return from Srinagar to Murree, Khan gave him copies of his plan titled 'Armed Revolt inside Kashmir'. It was based on the availability of the rifles: 2,800 of the rifles would be allotted for taking on the Maharaja's 9,000 strong army. Khan's calculation was that 2,000 Muslims in the army would anyway join the revolt and the rest, spread out in penny packets, could be overwhelmed by attrition.

The second element of the plan was to prevent Indian aid from reaching the Maharaja's forces. This would be done primarily through a road-block on the Kathua-Jammu road by a lashkar (tribal war party) which would be allotted 1,000 rifles, and secondly by capturing the airfield in Srinagar which would be the task of a lashkar armed with the balance of 200 rifles. Leadership would be provided to the lashkars by former Indian National Army personnel, who had been kept out of the regular army after their return to British India.[Khan:21-22]. Under this plan, the fighting would be done, in the main by the Poonchis and Mirpuris, mobilised by Ibrahim Khan.

On September 12, as he subsequently wrote, he was invited to Lahore to attend a series of meetings on the issue. In the morning there was a preliminary meeting chaired by Sardar Shaukat Hyat Khan, a minister in the Punjab provincial government where he found another plan being discussed. This divided the coming battle into two sectors—one across the Punjab-Jammu border to be commanded by Major-General M. Z. Kiani, a former INA officer, and another north of Rawalpindi under the command of Major Khurshid Anwar, also a former INA man. Anwar was the person who had organised the assault on the Congress in the NWFP on the eve of the plebiscite and his plan envisaged the use of tribal parties to directly attack Kashmir. There was no pretence of a revolt here, though the southern thrust led by Kiani, could probably be passed off as an uprising.

According to Akbar Khan's account, at 6 pm the Prime Minister arrived and the meeting at the Government House proceeded to finalise the operational plan. The meeting was





attended by the Finance Minister, Ghulam Mohammed, Mian Iftikharuddin, Akbar Khan, Anwar, Kiani and Shaukat Hyat Khan. According to Akbar Khan, the meeting took a series of haphazard decisions that lacked the professional touch required for a covert operation of this magnitude. In his view, the tensions between Shaukat Hyat and Khurshid Anwar had probably doomed the plan from the very outset. [ Khan: 22-3].

According to Muhammed Yusuf Saraf, the plan discussed was a three-tier one formulated by Kiani that involved the use of the Poonchis, suitably trained and armed to attack Srinagar, the creation of an underground network in the Valley to assist the revolt, and the interdiction of the Kathua-Jammu road to prevent reinforcements. Akbar Khan underscored this last objective, as well as the need to take control of the Srinagar airfield. Khan promised his 4,000 rifles for the project and a sum of Rs 10,000 was given to Kiani to begin his work. In addition, a decision was taken to post Khwaja Abdur Rahim, an Indian Civil Service officer to Rawalpindi as the district commissioner, to coordinate the civil arrangements. The main plan was entrusted to Kiani, while Anwar was asked to take care of the Kohala-Muzaffarabad sector in the north.

As Saraf points out, "No Kashmiri-speaking leader or worker was taken into confidence. Mir Waiz Yusuf Shah, the only pro-Pakistan leader with a personal following among them, was not consulted, no Kashmiri-speaking member of the Assembly was invited or contacted.".[Saraf vol.II: 859-860]. Saraf was a resident of Baramula and a leading light of the Muslim Conference who later migrated to Azad Kashmir and rose to become Chief Justice there.

In 1995, Sardar Shaukat Hyat gave his account of what happened in his autobiography. According to him, afraid that the Maharaja planned to accede to India, "we decided to walk into Kashmir. I was put in charge of the operations." [*The Nation that Lost its Soul* (Lahore, Jang Publishers, 1995), cited in Zaheer: 85]. The Sardar does not amplify on the 'we', but it is clear that he is talking of the group headed by Prime Minister Liaquat

Ali Khan and comprising Mian Ifthikaruddin, Ghulam Mohammed, the Nawab of Mamdot, who was the Chief Minister of Punjab and others. He says that the plan envisaged plausible deniability through the use of former INA personnel, like General Kiani and Khurshid Anwar, but for higher direction he obtained the services of two serving officers, Brigadier Akbar Khan, and the Director of Military Intelligence, Brig. Sher Khan.

According to Shaukat Hyat, the plan involved an invasion in the north, headed by Anwar. He notes that he did not quite approve of Anwar, but "[Finance Minister] Ghulam Mohammed and [Prime Minister] Liaquat Ali Khan beseeched me to keep him and his National Guards happy". And a thrust from the south led by Kiani whose group's job was to cut communications between India and Kashmir in the Jammu area. According to Shaukat Hyat, Khurshid Anwar had been specifically told not to employ tribals, but Anwar who was close to the tribal Maliks, insisted on using Mahshud tribesmen of Waziristan, who have a reputation for wildness. Shaukat Hyat also notes that the initial plan called for the D-day, presumably tribal invasion, in September itself, but that Khurshid Anwar decided to proceed on his honeymoon just then. [Zaheer: 85].

Khan says after the September 12 meeting, he went back to his Army assignment without any orders relating to Kashmir. But his wife Nasim Akbar Khan, a Muslim League activist in her own right, seems to have been clearly involved, since she participated in a meeting at the end of September chaired by Hameedullah Khan, attended by Sardar Ibrahim and Sardar Sharif, where Khurshid Anwar seemed to have gained ascendance because the briefing was about an invasion plan using tribals from the North-West Frontier Province.

Akbar Khan and Brigadier Sher Khan, Air Commodore Janjua and other Pakistani officers had begun covertly assisting the Shaukat Hyat plan by supplying weapons and ammunition to Kiani and Khurshid Anwar. The Commissioner of Rawalpindi, Khwaja Abdur Rahim and other local officials





collected funds, clothing, and weapons and organised 'volunteers' to launch attacks on Kashmir. According to Khan, Shaukat Hyat appeared to be the key official and he met him several times at the Commissioner's house. [Zaheer: 94-6].

Kiani began his work in earnest and in the next two weeks sector headquarters came up in Rawalpindi, Sialkot and Jhelum, and the main HQ at Gujrat, all in Pakistan Punjab, comprising in the main of former INA officers. Soon, there was a noticeable upsurge in activity, as rebels like Sardar Abdul Qaiyum Khan were able to launch attacks across the border with arms and funds provided by Pakistani authorities and raids from the Pakistani side of the border began to target the J&K State territory as far south as Samba. Even then, by the time of the tribal invasion, all they had achieved was to shake State control over some tehsils of Bagh and Rawalkot and establish control in a limited part of Sudhunti tehsil.[ Saraf vol.II: 862-884].

But there are other tantalising clues to show that the plan may have had other elements as well. For example on October 26-27, 1947, the entire Pakistani government – Governor-General Jinnah, Liaquat, Ghulam Mohammed, Defence Secretary Iskander Mirza – was in Lahore apparently awaiting the developments in Kashmir. Two Pakistani brigades had been positioned in Abbotabad and Sialkot respectively, adjacent to Jammu & Kashmir. After hearing of the accession and the unexpected airlift, Jinnah ordered the acting Army chief, General Sir Douglas Gracey to move them into Kashmir " to seize the pass on the Rawalpindi-Srinagar road, and then to proceed through Srinagar... and occupy the Banihal Pass on the road to Jammu, thus isolating Srinagar and nullifying the Indian intervention." Curiously the order was not given directly, but through the Governor of Punjab Sir Francis Mudie. [Zaheer: 104]. But Gracey refused on the plea that he had no instructions from the Supreme Commander Field Marshal Sir Claude Auchinleck.

There is actually other corroborating evidence to suggest that Pakistan had decided at the time of independence to

forcibly annex Jammu & Kashmir. This is in the form of a limited edition history of the 11 Cavalry (Frontier Force) or PAVO (Prince Albert Victor's Own) Cavalry group covering the period 1849-1999. According to the history: The regiment was the only unit entrusted "the task of Jehad-e-Fisabilillah (Freedom for Kashmir) in 1947-48."

The history adds, "During the last week of August 1947 Commanding Officer and Second- in- Command were called to attend an operational briefing in General Headquarters in the presence of Colonel Sher Khan MC, Director Military Intelligence, Colonel Akbar Khan, DWC and Colonel Khanzadah Ordnance Branch...."

This indicates that Akbar Khan is being less than forthright about his involvement in the Kashmir issue, which he dates from a visit to Murree in early September. Pakistani military planning with regard to Kashmir had begun at the time of Independence. According to the history the tasks given to the PAVO cavalry were to procure the arms, ammunition, wireless and other equipment, organise the headquarters of the invasion force, which would itself be manned by ex-INA personnel.

When the attack began on the night of October 21, 1947, "PAVO Cavalry sent jeeps with wireless sets to monitor the progress and pass back information direct to General Headquarters." The history admits that from the very outset, the advance was fitful because the tribesmen "resorted to looting and dishonouring women." According to the history, the PAVO Cavalry offered to capture Srinagar on October 26, but were not permitted and the next day, following accession, the Indians landed there. In any case, "On October 28 PAVO Cavalry established contact with the enemy and conducted a delaying battle near Gulmarg...."

The unit was also directly involved in capturing Bhimber. The account makes it clear that the alleged role of locals, armed with lathis, was only a fig-leaf. The actual attack was carried out by the Pakistani regulars, led by its commanding officer





Tommy Masud on October 22 night and after eliminating the lone J&K State forces company, they quietly withdrew and left the area in the hands of the ex-INA personnel. Subsequently, in November, the PAVO armoured cars also played the key role in capturing Mirpur. "Mirpur fell on November 24, 1947 to PAVO Cavalry," the account notes. " PAVO Cavalry withdrew on the night of November 24-25 towards Jhelum after having been relieved (sic) by Colonel Arshad and his Mujahids from Mangla Fort." All this was a good six months before Pakistan formally conceded that its forces were involved in Kashmir. This is confirmed by an account in Saraf's two-volume history, though the PAVO's role is shown as being merely that of a support force. [Saraf, vol.II : 959 and 966].

In fact, Saraf has his own version of the origins of the conspiracy. He says that members of his organisation, the Muslim Conference had begun conspiring to ensure the State's accession to Pakistan since June. He says that the party leader Chaudhry Hameedullah Khan told him, shortly after August 14/15, 1947 :

> *that sympathetic people in Frontier and Punjab should create trouble on the State borders adjacent to their areas to attract the Dogra army in bulk so that the Poonch ex-servicemen get an opportunity of advancing upon Srinagar. Whose plan it was and what were its details I do not know.*{Saraf, vol II: 790-1

**India and the Run Up to Accession**

Shortly after announcing the partition plan, in June 1947, Lord Mountbatten went on a holiday to Srinagar and had several informal meetings with Maharaja Hari Singh and his Prime Minister, Pandit Ramchandra Kak. According to an account given by his press secretary Alan Campbell-Johnson, Mountbatten pressed Hari Singh not to declare independence, but to ascertain the will of the people and join one or the other Dominion by August 14. The Viceroy also told them that the

States' Department under V.P. Menon was willing "to give an assurance that if Kashmir went to Pakistan, this would not be regarded as an unfriendly act by the Government of India."

In turn, Menon has noted, that the assurance had been cleared by Sardar Patel himself. He also recounts how shortly after the States' Ministry was formed in July 1947, discussions were initiated with various Princely States on accession. However, when he pressed Pandit Kak, on Maharaja Hari Singh's views on the subject, Kak was evasive. [Menon: *Integration* :394].

Mahatma Gandhi visited the State on August 1 and had discussions with the Maharaja and Kak. There are no accounts of the meetings, but speaking at Wah, near Rawalpindi, on August 6, Gandhi said that even the Maharaja agreed that the will of the Kashmiris would be supreme on the matter, and hoped that this could be done through consultations between the Dominions, the Maharaja and the Kashmiris. [Gupta: 97]. Well before Pakistan, or even the Kashmiris demanded it, the supreme leader of the Indian national movement had declared for a reference to the people of Kashmir.

At the end of August 1947, when Lord Ismay, went to Srinagar on a holiday, Lord Mountbatten instructed him to persuade the Maharaja "to make up his vacillating mind and accede without further delay to whichever Dominion he and his people desire, thus ending the uncertain and dangerously unstable position in Kashmir."

As for the Maharaja's government, even as late as October 12, the Deputy Prime Minister of Kashmir, R.B. Batra outlined his government's formal posture at a press conference in New Delhi:

> *We intend to keep on friendly relations with both India and Pakistan. Despite constant rumours, we have no intention of joining either India or Pakistan, and the Maharaja and his government have decided that no decision of any kind will be made until there is peace in the plains. The only thing that*





> *will change this decision is if one side or the other decides to use force against us... The Maharaja has told me that his ambition is to make Kashmir the Switzerland of the East – a State that is completely neutral....* [Gupta: 106].

Prem Shankar Jha says there is other evidence to show that India did not go out of the way to seek the State's accession. [ Jha: 1996, Chapter 3]. He cites, for example, the report of Major-General H.L. Scott, the last British Commander-in-Chief of the J&K State Forces, on the eve of his departure to Britain from Karachi at the end of September 1947, which says that there was no evidence to show that India was trying to pressure Hari Singh to accede to India. Instead, Jha concludes, that the Maharaja, who was originally inclined towards independence, decided reluctantly that he would have to accede to India.

His major reason was the communal carnage that had visited Punjab, and his belief that Jammu & Kashmir, peopled by Hindus, Sikhs and Muslims, could not hold out against the powerful forces unleashed by Partition that were in the process of ridding Pakistan of the bulk of its minorities. In the circumstances, Hari Singh's efforts, as that of other rulers, was to try and negotiate a path that would not commit the State to any internal political change, especially to one that envisaged a diminution of the ruler's power.

This message was conveyed in the third week of September to Nehru and Patel by Meher Chand Mahajan, jurist and former member of the Punjab Boundary Commission, who Hari Singh now wanted as the Prime Minister of the State. Nehru was not particularly happy to hear out Mahajan and reiterated his demand that Abdullah be freed. With Nehru unrelenting, and the situation deteriorating by the day, the Maharaja decided to free Abdullah on September 29, 1947.

Nehru's insistence that there be popular rule in Kashmir was not just a pose. This became painfully evident when in the face of the imminent capture of Srinagar, a month later, he still insisted that Abdullah be anointed the head of the government

before India could accept the accession of the state. As Jha points out, "Had Nehru been more accommodating... Kashmir would have acceded to India well before the raiders invaded the State." The minutes of the Defence Committee meetings on October 25 and 26, reproduced in Jha's 2003 study on Kashmir, again show the lack of any special eagerness on India's part to obtain Kashmir's accession

**Pakistan and J&K**

For those rulers who needed time to make up their minds, as we have pointed out earlier, the Indian Independence Act had a provision for Standstill Agreements. These would ensure that existing arrangements, whether they be on excise, transportation or communications, would remain valid in an interim period. Despite signing a Standstill Agreement on August 12, Pakistan began applying pressure on Jammu & Kashmir. Supplies of rice and wheat were blocked and almost the entire quota of petrol and kerosene for the State were withheld. On September 19, the railway service between Sialkot and Jammu was suspended and Pakistani banks and post offices refused to honour any transactions relating to Kashmir.

At that time, the main routes to Jammu & Kashmir were from the part of British India that had become Pakistan. The only all-weather road ran 205 kms from Rawalpindi to Abbotabad, and then across the Kohala bridge on the Jhelum, into the State to the border town of Domel. It then went along the Jhelum gorge to Chakhoti, Uri, and Baramulla, and entered the Valley, and went through Pattan to Srinagar. A rail service linked Sialkot with Jammu. From the part that remained as India, the railhead was at Pathankot from where a road, 112 kms long, running close to the new Pakistan border reached Jammu. Thereafter, it went another 300 kms or so, over the Banihal pass, to Srinagar. This was not an all weather road since it was closed during the winter months because of snow.





The partition of Punjab and its attendant massacres had heightened communal tensions across the State, particularly in the Jammu region, which was a bridge of sorts between Pakistan and Indian Punjab. Pakistani officials now began claiming that the J&K State forces were carrying out various atrocities and massacres of Muslims in the State. This, they alleged, was part of a conspiracy to create conditions to enable the Maharaja to accede to India.

Jha has pointed out, using the reports of W.F. Webb, British political agent in Kashmir and Major-General Scott, that Jammu & Kashmir had been largely free from communal disturbances that rocked India on the eve of partition. There had been some minor incidents in Jammu in September 1946, and then there was calm down to August 1947, but the Valley remained largely peaceful. This was the period, according to Jha, when the Muslim Conference decided to remodel itself on the pattern of the Muslim League, using the services of Pakistani leaders, and on September 24, 1947, they openly issued a call for the accession of Jammu & Kashmir to Pakistan.

The so-called revolt against the Maharaja that broke out in Poonch region proximate to Pakistan, was in reality an agrarian uprising protesting high taxes and rural distress. Again, as the Scott report sent through the British High Commission in Karachi noted:

> *Kashmir has been quiet except for trouble in Poonch in late August and September.... Towards the end of August a party of about 30 Muslims from the Punjab entered Poonch and incited the Sattis (a caste of local Muslims with martial traditions) to march on the capital to demand Kashmir's accession to Pakistan. A considerable number, swelling to some 10,000 agreed to go to Poonch , primarily to represent their own local grievances, their principal complaint being the high prices of foodstuffs.* [Cited by Das Gupta: 39-40].

On September 9, State Forces blocked their way and, in one incident, 12 Hindus and Sikhs, in a village in their path were killed by the demonstrators. Thereafter, 20 Muslims were killed when the State Forces fired to disperse the mob.

A lot of myth-making about the origins of the alleged freedom struggle has taken place in Azad Kashmir. Saraf, has detailed several separate instances of clashes between the Kashmir State authorities. Even while praising Sardar Muhammad Abdul Qaiyum Khan's abilities, he points out that his title as Mujhaid-e-Awwal (or The Incomparable Liberator) is not particularly accurate. Controversy surrounds an incident at Neelabutt, near Bagh where there was an alleged clash between insurgents led by Sardar Abdul Qaiyum and Dogra soldiers. According to legend the Sardar's house was burnt down and he fled to Pakistan to gather weapons and support. The Kashmir authorities first detained his mother, uncle, aunt and sister, but then later released them "on executing bonds making themselves liable to attend on summons." This hardly appears to be the behaviour of a rampaging army, as has been subsequently alleged. [Saraf, vol. II: 852-7].

What did happen was that there were several small meetings and protests across the region of what is now Azad Kashmir, but quite a bit of it was linked to a no-tax campaign. Given their location bordering Pakistan, the State authorities clamped martial law, leading to the incident cited above.

Yet, even his account does not quite provide us with a coherent account of any revolt, either in existence, or in being at the time in late August and September 1947. In fact what it indicate is that the State authorities remained in control of the area, as the following suggests:

> *In the last week of September (1947) Pandit Ram Chand Raina, Administrator Poonch, came to Dhirkot and heard details of earlier incidents and excesses committed by the*





> *Army. It is claimed that he expressed regrets and told the people that the Maharaja had committed a mistake by inducting the Army in the area....*[Saraf, vol II, 854].

But mid-October 1947, the raids from Pakistan had spread along the border between J&K State and Pakistan. The 9,000 strong State Forces were thinly spread across the region. Over 35 per cent of the force was Muslim – most of them Satti and Sudhan, marital castes, from the region adjoining Pakistan. As a matter of tradition, neither Kashmiri Muslims, nor Pandits were recruited into the force.

These forces were not only geographically spread out, with a brigade each in Jammu, Mirpur, Poonch and the Valley, but, beginning October, they had been plagued by defection of their personnel. After the first set of raids, the State Forces had begun disarming locals and trying to create a *cordon sanitaire* with Pakistan in the border region. It soon became clear that they lacked the means and the numbers to do so, or to seal the border.

Mehr Chand Mahajan who had been appointed Prime Minister on October 15 and had, along with Maharaja Hari Singh himself toured the Mirpur-Jammu area between October 19-23 and found that the situation was grim. He reported that since September raiders from across the border had been entering the State to loot and kill Hindus and Sikhs and kidnap their women folk. The Hindu and Sikh community had also begun to retaliate, leading to death and destruction in the narrow band of Jammu region adjoining Pakistan. The State government had found that there was no point in disarming the populace in the border, since they were able to quickly acquire arms from across the border. [Mahajan: 144-6].

This account is borne out obliquely by Horace Alexander, a Quaker involved in relief operations in the area. He claimed that the Maharaja was using his soldiers to "terrorise" the Muslims around Jammu, even while conceding that "Armed raiders were crossing the borders along the

frontier near Jammu and westwards daily, harming villagers, rounding up cattle and then withdrawing into Pakistan territory." [cited by Blinkenberg, vol I : 71].

Pakistan had stepped up the pressure and these bands of raiders began giving battle to the small contingents of the State Forces thinly spread out between Muzaffarabad and Jammu. To cover up this activity, on October 12, the Pakistan Foreign Secretary sent two notes formally protesting the J&K State government's alleged complicity in attacks in Poonch and Sialkot area. [ Lakhanpal: 50].

Jha observes that the first note charging that the State Forces were involved in Poonch attacks was a giveaway since it claimed that "Men of the Pakistan Army who recently returned from leave at their homes in Poonch report that armed bands, which include troops, are attacking Muslim villages in the State." As he points out, it would have been improbable that in such conditions the men would have rejoined their units, leaving their families in mortal peril.The note went on to claim that a large number of villages could be seen burning and that the Pakistan government was "vitally interested in the maintenance of peace on their borders and the welfare of Muslims in the adjoining territories."

The second Pakistani note charged that "non Muslims" were using the Jammu & Kashmir state territory to launch attacks on Pakistan in the Sialkot area and called on the State to act firmly against them.

Mahajan responded by denying the charge and pointing out that his government had enough proof that the infiltration and raids were being conducted in the area from Pakistan and asserted that the J&K State Forces had been asked to deal with them. He said that his government was willing "to hold an impartial inquiry into the whole affair with a view to remove [any] misunderstanding". Calling on Pakistan to desist from supporting such elements, he warned that if this request remained unheeded, his government would have "no option but to ask for assistance to withstand aggressive and unfriendly





actions of Pakistan people along our border." [Lakhanpal: 51]. His implication was obvious, and so the Pakistani response was fast and furious.

The Foreign Minister cabled Mahajan saying that Pakistan was "astonished to hear your threat to ask for assistance. Presumably meaning thereby assistance from outside power." He charged that the State was suppressing the Muslims so "as to enable you to join the Indian Dominion as *coup d'etat* against the declared and well-known will of the Mussalmans and others who form 85 per cent of your state." As Blinkenberg has observed, how the Pakistani government had ascertained the will of the Kashmiri Muslims, is not clear, and was, after all, the heart of the matter. [Blinkenberg, vol I:74].

General Scott's report cited earlier, had also noted that the Muslims in the Valley had no special political inclinations, and that there was no organised body advocating the accession of the State to Pakistan, while the National Conference was pro-Congress and anti-Pakistan. Jha cites a study by Ian Copland showing that at the time of the tribal invasion, the National Conference was the dominant political force in Jammu & Kashmir and that the support for the Muslim Conference was "null and void." [Jha, 2003:33-4] Zaheer, a Pakistani writer too alludes to the failure of the Muslim Conference which he said "in the immediate post-Independence days failed to mobilise the people and demonstrate their strength in favour of Pakistan." [Zaheer: 81].

Karachi had hoped that Pandit Ramchandra Kak, the anti-Indian Prime Minister of the State would persuade the Maharaja to accede to Pakistan. But on August 11, Kak had been dismissed and a new interim Prime Minister Janak Singh, a relative of the Maharaja, had been appointed. Sometime in early October, two Muslim League leaders of Kashmiri origin, Dr. Mohammed Din Tasir and Sheikh Sadiq Hasan, along with Mian Ifthikaruddin and Malik Tajuddin of the Associated Press of Pakistan came to Srinagar and had extensive discussions with Abdullah. Dr. Tasir declared that as a private individual,

he was for an independent Kashmir, if both India and Pakistan would agree, but as the president of the Punjab province Muslim League he would urge J&K to accede to Pakistan !

They invited Abdullah to visit Lahore to meet Jinnah. But Abdullah who had been appointed President of the All India States' People's Conference had to go to Delhi and sent his colleague G. M. Sadiq, promising a visit later. Sadiq could not meet Jinnah or Liaquat Ali Khan but he met a number of other leaders who pressed him to declare for Pakistan. In fact he managed to leave Pakistan with some difficulty, since apparently there was some plan to hold him hostage. He came back with the message that Jinnah wanted to meet Abdullah in Karachi. This, the Sheikh felt, was a plot to detain him there and use his name to issue appeals for accession to Pakistan. [Abdullah: 87-92].

Around October 17, an emissary from Jinnah, Major A.S.B. Shah, Joint Secretary in the Ministry of Foreign Affairs and States, had also arrived in Srinagar. He met several state officials, including Mahajan, and warned them that if Kashmir did not accede to Pakistan there could be serious consequences. [Mahajan: 142] Shah was a key officer in the conspiracy and, as we will see subsequently, was probably one of the key officials involved in the Kashmir operation.

On October 18, Mahajan sent another telegram to Jinnah complaining of the blockade by Pakistan and the raids being carried out from the Pakistani side of the border. Besides the stoppage of food and other supplies, Pakistani authorities were refusing to provide any postal or banking services. He said that while the state authorities had helped 100,000 refugees to go across to Pakistan, the people in Rawalpindi had murdered 180 out of 220 Kashmiri nationals being conveyed to Kohala at the State's request. "To crown it all, the State is being blamed for acts which actually are being committed by Pakistan people."

Jinnah's reply was in the form of a telegram to the Maharaja protesting the tone of Mahajan's note, denying the allegations, and arguing that the shortage of fuel supplies were





a result of the communal disturbances in the aftermath of partition. He protested, what he claimed, were the organised killings of Muslims in the State and welcomed Mahajan's call for an impartial inquiry.

Apologists for Pakistan like Alistair Lamb have resorted to an elaborate web of half-truths and lies to back Pakistan's claim to Kashmir, examining every twist and turn, though choosing facts at their convenience. They have deliberately chosen to play down, if not ignore, the open testimony of senior Pakistani figures who make it clear that not only had a decision been taken to force the accession of the state to Pakistan by force, but that it had been taken in mid- August or early September, and that it was directed at the highest level by the Prime Minister of Pakistan. In all likelihood, the Quaid was also aware of the plans, but for the sake of form, he chose not to play a direct role.

While these commentators have played up the visit of the Indian leaders like Pandit Nehru, Mahatma Gandhi and Acharya Kripalani to Srinagar, they have not thrown much light on the activities of Mian Iftikharuddin, K.H. Khurshid, or Major Shah who, too were active, visiting Srinagar in the period between independence till the tribal invasion. According to Mahajan, K.H. Khurshid, a native of Gilgit and Jinnah's private secretary, had spent some months in Srinagar in 1947, and had been spreading communal poison and stoking anti-India feelings. [Mahajan: 2] Khurshid was in touch with Muslim Conference leaders "both in writing and in person." [Zaheer: 75]. According to Lamb, Khurshid had been in Srinagar since mid-August, and was arrested and deported on November 2, 1947. Given his links with the Muslim Conference, he was probably the Srinagar-end of the conspiracy. [Lamb, 1992: 131-2].

The Pakistani case made after the invasion was not just a *post-facto* rationalisation, but a brazen lie. As we have shown, till the end of July 1947, Pakistani leaders had maintained that the Princely States had an unfettered right to join one of the two Dominions, or stay independent. Even subsequent to the

invasion, there was no outright demand made for accession to Pakistan, only the charge that India had obtained accession through fraud and violence. In the early days of the invasion, Pakistani leaders went through the charade of calling the tribal invaders to withdraw from Kashmir. In fact, the first formal information on their foray was conveyed by the Pakistan Army to their Indian counterparts.

The Pakistani argument, as subsequently developed by Lamb, became more sophisticated and mendacious. First, he claimed that there was a conspiracy at the outset between the British authorities and the Indian National Congress leadership to hand over Kashmir to India. According to him this was borne out by the decision to award three eastern tehsils of Gurdaspur district to India in the Radcliffe Award, which decided the line of partition in Punjab and Bengal. This enabled India to have overland access to the State of Jammu & Kashmir since the only road linking the rest of India to the State passed through this area. Or as Lamb puts it, this made accession to India "a practicable proposition as opposed to a theoretically desirable one."

Second, Lamb asserted that since Poonch had revolted by the time the Maharaja signed the Instrument of Accession, he was no longer in control of the State and so the action lacked validity. His thesis is that the 'invasion' of October 22, 1947 was part of an uprising that had already led to the overthrow of the governmental authority in the State. According to Lamb beginning July 1947, a revolt had broken out in the Poonch and Mirpur tehsils adjacent to the eastern border of Pakistan. This revolt had been organised by local leaders like Sardar Ibrahim Khan and Sikandar Hyat Khan and headquartered near Murree, in Pakistan. Atrocities against Muslims in the Jammu area had triggered off a wave of sympathy in Pakistan and by the beginning of September, the Poonchi rebels, "equipped with weapons obtained from the Frontier or from other informal sources in Pakistan" were in conflict with the State authorities. "There is some evidence," he adds ingenuously, "that they were also being joined by small groups





of volunteers from Pakistan territory." [Lamb 1991: 123].

Lamb acknowledges the role of Pakistanis like Mian Iftikharuddin, Khurshid Anwar and Akbar Khan, but he sees them in a supporting role, and does not quite follow up on their own testimony as to the extent of the involvement of the Pakistani government leadership, especially Prime Minister Liaquat Ali Khan.

The claim of an Indian conspiracy is the easiest to dismiss. The record shows that before Partition, and immediately thereafter, many Indian leaders, including Mahatma Gandhi and Sardar Patel, would have accepted the accession of the State with Pakistan. The Governor-General Lord Mountbatten's position was that the Maharaja ought to make up his mind, instead of vacillating as he was. Lamb's contention that there was detailed planning, including supply of war material to Jammu & Kashmir appears to be a figment of his imagination. While there may have been contingency planning by the armed forces, nothing, not even material actually promised, had actually moved to the State till after accession. This is borne out by the minutes of the Defence Committee meeting of October 25 and 26.

Indeed the three British commanders of the Indian armed forces issued a statement on November 4, 1947 declaring that before October 24, the day on which Mountbatten received an appeal for help from the Maharaja, no plans for sending Indian forces into Kashmir "had been formulated or even considered." Only on October 25 were they asked to examine and prepare plans to send troops to Kashmir, and these were finalised only by the next afternoon, and the troops dispatched on October 27 morning, after the Instrument of Accession had been accepted.

The Gurdaspur charge is a red- herring. For one thing, even if it had been given to Pakistan, India still had areas contiguous to Jammu & Kashmir where it could have built a new road, should it have wanted to do so. All the parties were committed to accepting the Radcliffe award whose very terms of reference gave the British jurist the latitude of taking factors

other than communal composition of the population into account in making his award. Indeed, Jha has cited the written testimony of Christopher Beaumont, the Private Secretary to Sir Cyril Radcliffe savagely attacking Mountbatten for pressuring the latter to give Ferozepur to India, where it had originally been slotted for Pakistan. However, the same Beaumont went on to add in the document: "No change, as has been subsequently rumoured, was made in the northern (Gurdaspur) part of the line." [ Jha, 1996: Appendix III].

The claim that the Maharaja was no longer in control when he signed the Instrument of Accession, too, is easy to counter. As we have mentioned earlier the record indicates that the revolt, which was aided and abetted by Pakistani authorities, was, for one thing, confined to the Poonch area, just one of the major subdivisions of the state, and can hardly be used to argue that it represented an overthrow of the authority of the Maharaja across the entire State. And, as the Maharaja and Mahajan's journey in the days before the invasion across some of the troubled areas indicates, that even the so-called revolt was not as widespread as made out.

The Pakistani accusation made in its subsequent plaints hold little water when you look at the situation in the context. The charge that the State Forces were seeking to drive the Muslims out of the Poonch tehsil has no credence in view of the fact that Muslims constituted two-thirds of the population of the region. More important is the fact that the *entire* State Forces totalled 9,000, of whom 3,000 were Muslims. They were spread out across the huge State and simply not numerous enough to perpetrate atrocities against a local populace that was not only far more numerous, but had a fierce military tradition that included possession of firearms by virtually every family, as well as access to shelter and weapons across the border in Pakistan.

In fact what is apparent is the extent of Pakistani control over the events that now took place. According to Saraf, even while the Muslim Conference was trying to come to terms with the consequences of the tribal invasion and the onset of the





"liberation war", they heard over Radio Pakistan "that the Azad Kashmir government had been reconstituted with Sardar Muhammad Ibrahim Khan as its president." Saraf says that the Sardar himself confessed that he had no prior knowledge of this:

> *...on 23rd October he was awakened at the dead of night by Khawaja Abdur Rahim, then Commissioner, Rawalpindi Division and Nasim Shah Nawaz, then married to General Akbar Khan, who told him that it had become necessary to announce the formation of a reconstituted Government with himself as President....*[Saraf, vol II: 1288].

## *Operation Gulmarg*: The Tribal Invasion of Kashmir

But while Pakistan could, and did, foment trouble in the Jammu-Mirpur-Poonch area, the Valley remained peaceful and so the Pakistanis began to work along other plans. By the end of September 1947, the plan that appeared to have been approved was the one proposed by the former INA officer, Khurshid Anwar with the support of NWFP Chief Minister, Khan Abdul Qayuum Khan. But though he had been told not to use tribals, or to approach the Pakistan army for help, he did both.

Anwar's background is important. He was the leader of the Muslim League National Guard, and had through strong-arm methods played a major role in undermining the Congress in the North-West Frontier Province which was at the time headed by Dr Khan Sahil brother of Khan Abdul Ghaffar Khan. Who originally hailed from J&K.

By early October, Khurshid Anwar had begun raising his lashkar with the help of Qayuum. As Anwar noted in an interview to *Dawn*, that by operating through Muslim League party channels he had immediately gathered 4,000 tribesmen using his contacts with the tribal maliks there. Later, the number swelled to over 30,000.

Characteristically, Lamb has tried to play down the numbers of tribals who participated in the operations, claiming

they numbered only 2,000, or the complicity of Pakistani officials. But an intelligence estimate of January 23, 1948 contained in the unpublished papers of Sir Francis Mudie, the Governor of Punjab at the time claimed that nearly 32,000 tribals had gone from the NWFP to Kashmir, including some 3,500 from Afghanistan. [Cloughley, 1999: n.12].

There are other accounts, such as the report of one Major Aslam Khan who was going to Srinagar on leave when he met the tribal invaders near Muzaffarabad. Apparently when he was told what was happening, he took command of the group. Later, there is reference to a Major Khilji who served as Aslam Khan's deputy. As Cloughley, a writer not unsympathetic to Pakistan, has noted: "Certainly, the invasion was conducted by tribesmen, but as time went on, they were joined and indeed directed by Pakistani officers in civilian guise although referred to by military rank." [Cloughley: 18-19]. These are only inferences through information in the public domain—mainly press reports. The real story, which could include even more detailed Pakistani planning and involvement remains to be told.

By October 18 the main force of six lashkars had concentrated at Abbotabad and began to move on Muzaffarabad in Jammu & Kashmir State with a view of moving through the Jhelum road to capture Srinagar. In front of them was the 4th battalion of the Jammu & Kashmir State Forces, some 500 effectives, stationed in Domel with two companies each of Dogras and Muslims and looking after a front 70 kms from Keran to Kohala bridge.

On the night of October 22nd, the Muslim companies rebelled, killed their Commanding Officer and the Dogras, and joined the raiders coming across the Kohala bridge to occupy Muzaffarabad and then Domel. After sacking the town and massacring the Hindus and Sikhs, the tribal lashkar, stiffened by the deserters, resumed its march on the morning of October 23. State Forces' reinforcements led personally by their chief, Brigadier Rajendra Singh contacted the tribal force on the same day, but realised they could not stop them and decided to fall





back on Uri. On the morning of October 24, outflanked by the raiders, they fell back further to Mahura. However, the raiders were upon them on the morning of the October 25, again after delaying them, the State Forces withdrew to Buniyar, where Brigadier Singh was killed in action. By the night of October 25, the raiders had entered Baramula and stood at the threshold of the Valley. Simultaneously raids had been stepped up along the Jammu-Poonch border area and many towns and villages sacked, with their Hindu and Sikh residents killed and their women abducted.

At 11 pm on October 24, Lord Louis Mountbatten, the Governor-General of India had received an urgent request for assistance from the Maharaja. The following morning, October 25, Mountbatten convened the Defence Committee with the Prime Minister Nehru, Deputy Prime Minister Sardar Vallabhbhai Patel, Sir Rob Lockhart, the Commander-in-Chief of the army and other service chiefs and top officials. [The text of the minutes cited hereinafter are from Jha (2003)], General Lockhart read out a telegram from the Pakistan Army headquarters informing their Indian counterparts that some 5,000 tribals had crossed from the west and seized Muzaffarabad and Domel on October 22, and were now about to attack Kohala.

Initiating the meeting, Mountbatten observed that the Maharaja's indecisiveness in not acceding to one or the other Dominion had led to this situation. He said both he and the political officer, Webb, had urged the Maharaja to ascertain the will of the people and decide one way or the other and release Sheikh Abdullah. Nehru, on the other hand, told the Committee that the Political Department under Lord Wavell had been the reason for the Maharaja's indecisiveness and that the State Army chief Major General Scott and others had advised the Maharaja not to release Abdullah.

The Committee took up the subject of as to why arms requested by the Jammu & Kashmir government had not been sent. It's clear from the minutes of the meeting that the British leadership of the armed forces had deliberately sat on the request.

However a decision was now taken to immediately remedy this.

In the discussion on India's policy, Nehru noted that the only way out was for the Maharaja to cooperate with "those forces in Kashmir which were ready to cooperate with it," in other words, Sheikh Abdullah and the National Conference. *Even at this stage, as the record shows, neither Mountbatten nor Nehru called for immediate accession, the former wanted the restoration of order first, while Nehru wanted an accession based on the will of the people.*

V.P. Menon on the other hand, pointed to the urgency of the situation and argued that in his assessment the Maharaja would go under if no help were forthcoming and suggested immediate acceptance of accession so as to enable Indian assistance to go in. Sardar Patel made the cogent point that there was nothing in international law to prevent India from helping a friendly state, whether or not accession was accepted. After these deliberations, the Committee finally directed Menon to fly to Srinagar and discuss with the Maharaja of Kashmir the possibilities of :

(a) *Kashmir requesting armed assistance from India; such assistance might be concentrated on the Jammu front, and Kashmir State troops moved to the Srinagar front;*

(b) *Cooperation between the Government of Kashmir and the National Conference;*

(c) *Kashmir requesting India to accept its accession, which would, in all probability not be accepted until opportunity had arisen to ascertain the will of the people of Kashmir.*[Jha 2003, *Appendix IV*: 205].

In Baramula, the Pakistani-led tribal force began an orgy of violence and looting. The locals under Maqbool Sherwani offered resistance, but it was futile. For two days the prosperous town was ravaged. Women were raped, houses plundered and





burnt, many young girls carried away into captivity to the tribal areas of Pakistan. No one was spared, neither Hindus and Sikhs, nor for that matter the Muslims. Colonel Tom Dykes of the Sikh Regimental Centre, Nowshera was killed with his wife and daughter, and the mission hospital razed to the ground, with its staff and patients killed, after the nurses had been raped. The same fate befell the Mother Superior and her Sisters of Mercy in the nearby Convent of St Joseph. A *New York Times* report of November 10 estimated that just about a thousand persons remained out of the population of 14,000. Many had fled their homes, others had been killed or abducted.

**Accession**

With the raiders just hours away, Maharaja Hari Singh caved in. On October 25, after the Defence Committee meeting, V.P. Menon, Secretary to the States Ministry, had flown into Srinagar with his brief, which as we have noted, was not focused at seeking the State's accession. He had met the Prime Minister Mehr Chand Mahajan and the Maharaja who apprised him of the grave developments in the State. Menon does not say so specifically, but the impression from his account is that the Maharaja was now willing to accede to India. The Maharaja left that evening by road for Jammu, his winter capital, and in the early hours of the next day, October 26, Menon returned to Delhi and reported back to the Defence Committee of the Cabinet.[ Menon, *Integration*, 398].

The minutes of the October 26 DCC meeting indicate that the key emphasis of Menon's talks with both Prime Minister Mahajan and the Maharaja was that Sheikh Abdullah's cooperation needed to be obtained. His suggestion to Mahajan was that "Kashmir should immediately accede to India; and that an Interim Government should then be formed" under Sheikh Abdullah.[Jha, 2003, *Appendix V*, pp. 207-8.].

At the October 26 meeting again presided over by Lord Mountabatten, a decision was taken to assist Jammu & Kashmir

and send the first battalion of the Sikh regiment to the Valley. There was general agreement, given the alarming report that Menon had brought back from Srinagar, that providing assistance was of the highest importance and the issue of accession was now secondary. It was decided to prepare a Letter of Accession, along with a letter from the Government of India making it clear that "the will of the people of Kashmir on the question of accession would be ascertained when conditions allowed this". Menon was asked to take this to Jammu and discuss it with the Maharaja and also directed to take up with him "the question of the formation, simultaneously with the signing of the Instrument of Accession, of an Interim Government under Sheikh Abdullah."

According to Menon he did precisely this. In Jammu, he informed the Maharaja of the DCC's decisions and found that the former "was ready to accede at once." He signed the Instrument of Accession and in a covering letter to Mountbatten formally requested military help and stated his intention of setting up an interim government and associate the Sheikh with it.[Menon, *Integration,* 399-400].

The tone of the debate on accession and the fact that the Government of India was still deliberating on the issue rather than pressing for it and, indeed, even insisting on making this conditional on the will of the people and popular participation, effectively punctures the Pakistani claim that accession was obtained by "force and fraud." If there was any force and fraud, it was the fateful decision of the Pakistani leadership to send in tribal invaders that forcibly propelled the State to accede to India.

While it is clear that by October the 26 morning that J&K would accede to India, there has been some controversy over when the Instrument of Accession was actually signed. Indeed, Jha has convincingly argued that the Maharaja had signed the Instrument on the October 25 night, or early morning of the 26th, in Srinagar, before leaving for Jammu. Since this is not mentioned in the minutes of the October 26 meeting, it would appear that Menon had conveyed this to Mountbatten and Patel, but this





had been kept secret from Nehru since the latter was adamant on the need for a popular government, headed by Abdullah, to assume office before accepting the State's accession.

It was only after the Maharaja wrote the letter from Jammu on October 26 categorically stating that he would set up an Interim government with Sheikh Abdullah, that the Instrument was formally accepted by the DCC which was specially convened again on the evening of October 26. [Menon, *Integration,* 400].

The Instrument of Accession was written on a format used by other princes and through it, Jammu & Kashmir State handed over the handling of its defence, external affairs, and communications to the Dominion of India. Lord Mountbatten, accepted the Instrument formally. But in a letter written to the Maharaja, he noted that "it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the State's accession should be settled by a reference to the people."

This commitment has been a matter of great controversy since. Mountbatten need not have made the assurance, but he did so at the instance of Prime Minister Nehru who wanted to make it clear that India's obligation to Kashmir was to its people, not its ruler. Importantly, the Indian commitment was to "a reference to the people", not necessarily a plebiscite or referendum. The idea of a plebiscite, a concept that was then popular in post- War Europe, was later floated by the United Nations Security Council and grudgingly accepted by India. But when it became clear that Pakistan was determined to have a plebiscite only under its own terms and conditions, India went back to its original offer which was of referring the issue to the people, and later argued that this had since been done through the election of a Constituent Assembly that eventually wrote a Constitution of the Jammu & Kashmir State.

## The Indian Response

At the crack of dawn on October 27, six civilian Dakotas with 15 fully equipped personnel each, from the first Sikh

battalion, took off from the now defunct Safdarjang airport in Delhi and headed for Srinagar. At the same time, three similar aircraft of the Royal Indian Air Force took off from the Palam airport, located at the outskirts of the city, but with two more men per aircraft. After some 3 ½ hours the lead aircraft with battalion commander, Lt. Colonel Dewan Ranjit Rai touched down in Srinagar and the other aircraft began landing soon after.

After landing, the 150 or so troops formed up by 10 am and immediately marched to reinforce the two platoon (possibly some 50 men) strong force of the J&K Forces that were positioned 5 kms east of Baramula, 35 miles away. By the evening, another 19 flights had come in bringing in urgently needed reinforcements to secure the airfield, and to patrol the flanks of the main force moving towards Baramula.

The night of October 27 passed peacefully, and the next morning, October 28, Col. Rai went forward with two more companies to reinforce the positions. Soon thereafter the attack began with the enemy soon realising that the Indian forces were there in very small numbers. As they began to outflank his positions, Rai ordered his forces to redeploy to newer positions, closer to Srinagar. The withdrawal was carried out with great skill in the darkness, but as the Colonel, who was supervising it, was about to leave, he was hit on the head by a stray bullet and died. For some reason the enemy did not press the attack that night. By this time, the RIAF had also begun sorties to strafe the raiders in the Baramula-Uri area disrupting their lines of communications.

The thrust resumed on the morning of October 29, the bulk of the Sikhs, assisted by a company of Punjabis and a battery of artillery, took the brunt of the attack and were pushed back to milestone 16, near Pattan, even closer to Srinagar. The situation was critical, and a company of Sikhs that had been given the task to protect the airport was rushed as reinforcements and 1 Kumaon (Paratroops) who had been flown in took over their duty. Even now, October 29, the Indian contingent totaled just 941. A machine gun platoon of 3/15





Punjab were also thrown in and after some desperate fighting the raiders were thrown back. Later two Tempests from Ambala strafed a concentration of raiders near Pattan, and this was followed up by another attack by the two Spitfires now based in Srinagar. With the invaders pressing on, the situation remained critical for another day but then the tide turned.

The Sikhs ensured that the raiders did not break their blockade at Pattan. Meanwhile, the Kumaonis had blocked a flank attack through Badgam led by Khurshid Anwar aimed at taking the airport. But worried about other infiltration attempts, the Sikhs were pulled back to milestone 4 on the Baramula road. A large force of raiders followed them and a battle developed on the night of November 6.

Aerial reconnaissance showed that the bulk of the raiders were concentrated between Shalteng and Zainkut, villages to the west of the Sikh positions. Brigadier L.P. Sen worked on a plan to immediately attack this concentration from its flank. Two, from a troop of armoured cars of 7 Light Cavalry, had been sent on a patrol along with a platoon of infantry towards Bandipora, on the shore of Wular Lake, north of Srinagar on November 5. Now, by radio they were asked to loop back and hit the lashkar from the rear.

Around noon, on November 7 the tribal group was attacked from three sides and by nightfall, it was decimated. Retreating tribesmen were strafed from the air and hundreds fell to Indian bullets. By 8 pm that night Pattan had been reoccupied and on the morning of November 8, Baramula was recaptured without any opposition and Uri was retaken on November 13, with the Mahura powerhouse intact. The Valley proper had been cleared of the invaders.

At this time, as we pointed out earlier, the entire top echelon of the Pakistan government was in Lahore, probably awaiting the fall of Srinagar to the tribal lashkar. Some say, their aim was to effect a triumphal entry into the city on Id-ul-Zuha which fell on October 25. On hearing of the accession and the Indian intervention on October 27 Jinnah had ordered

his Commander-in-Chief, General Douglas Gracey, to launch the two brigades of the Pakistan army that had been conveniently positioned at Abbotabad and Sialkot against the Valley and Jammu respectively. Gracey had refused on the plea that he had no instructions from the Supreme Commander Sir Claude Auchinleck.

The next day, October 28, Sir Claude flew to Lahore to meet Jinnah to inform him that Kashmir was now part of the Indian Union and if the Pakistan Army was ordered in, all British officers would be withdrawn from its service. In a sense, Mountbatten's insistence that the Instrument of Accession be signed before Indian troops could be sent, proved to be a crucial element in the attitude of the Supreme Command. In any case Britain had, even earlier decided, that under no circumstances would it permit its personnel in the Indian and Pakistani forces to fight each other.

On the evening of October 27, Prime Minister Liaquat Ali Khan had held a meeting to consider other measures to consolidate the gains made by its irregular forces in the State. The meeting was attended by Iskander Mirza, the Defence Secretary, the other Kashmir conspirators—Khan Abdul Qayuum Khan, the Nawab of Mamdot, Brigadiers Sher Khan and Akbar Khan. By his own account, Gen. Akbar Khan had been out of the loop with regard to the Hyat- Anwar invasion plan that was finally adopted by Prime Minister Liaquat Ali Khan, except, apparently, for providing the rifles and ammunition to Sardar Shaukat Hyat, who was the overall in-charge of the operation.

Now, the militarily savvy Akbar proposed an immediate attack by a lashkar towards Jammu to block Indian reinforcements, but this was not accepted. However, his proposal for the creation of a Kashmir Liberation Committee was accepted and he was made its military member, along with Sardar Ibrahim Khan, Khwaja Abdur Rahim, the Rawalpindi Commissioner, and a Major Yusuf of the political department dealing with the tribals. Justice Din Mohammed was made chairman of the Committee,





and Akbar Khan was also appointed Military Adviser to the Prime Minister. [Khan:32-5].

The meeting ended at 2 am on October 28 and its main thrust was now to push in more tribesmen to press home the attack against Srinagar before the Indians had time to consolidate their hold. Khan had also been told now to base himself in Rawalpindi and handle the Kashmir operations. On October 29, Khan crossed into the State from the Kohala bridge and early in the morning the following day, October 30, he reached the front, which was just four miles from Srinagar, to survey the situation.

Somewhere in the fighting to recapture Pattan and Baramulla, Anwar was seriously wounded and the bulk of his forces had retreated to Uri. To prevent the collapse of the tribal army, Liaquat Ali Khan ordered Akbar Khan to take charge. The informal high-command - Khan Abdul Qayuum, Nawab of Mamdot and Col A.S.B. Shah arrived at Khan's house in Rawalpindi to tell him that the PM wanted the fighting continued at all costs, without, however, "openly involving the Pakistani government." [Khan: 45].

Khan's tenure as the commander of the Kashmir operations was not particularly happy since he felt he was not getting adequate support and that personal rivalries were creeping into the leadership. In February 1948, he requested Prime Minister Liaquat Ali Khan to relieve him of his job and this was done, with Brigadier Sher Khan being appointed to take up his duties.

**Three Way Tango**

Given their recent relationship with Britain and the continuing importance of British military personnel and equipment in both armies, it was perhaps inevitable that both India and Pakistan sought to gain the support of their erstwhile imperial masters. On October 26, Nehru sent a cable to British Prime Minister Clement Attlee informing him that a "grave situation" had developed in Kashmir where large

numbers of frontier tribesmen, occupied several towns and massacred non-Muslims. India had received an urgent appeal for assistance and was favourably disposed to consider the request. But, Nehru assured this aid was "not designed in any way to influence the State to accede to India." The Indian view was that:

> *the question of accession in any disputed territory or State must be decided in accordance with the wishes of the people.... It is quite clear, however, that no free expression of the will of the people of Kashmir is possible if external aggression succeeds in imperilling integrity of territory.* [Lakhanpal: 64-5].

Attlee's reply of October 27 showed little concern for Kashmir and instead sought to talk Nehru out of armed intervention in the State. Even though the raiders– who had just sacked Baramula and killed, among others, British nationals– were just about an hour's drive from Srinagar, Attlee suggested that the Prime Ministers of India and Pakistan meet Maharaja Hari Singh to settle the problem. Through another cable, Attlee appealed to Liaquat to block the raiders. Both India and Pakistan were told that as of the date, October 27, he had "received no confirmed reports of the scale and importance of any incursions there may have been."[Lakhanpal: 65-6].

The following day, October 28, Nehru sent a copy of the cable he had sent Attlee to Liaquat. He stated that "the step the Government of India has taken has been forced upon them by circumstances and imminent and grave danger to Srinagar" and reiterated that Indian policy was that "this (accession) is subject to reference to the people of the State and their decision." Nehru noted that since these raiders came across Pakistan, it should be easy to stop them and that protecting Kashmir was the first objective and in this, India expected Pakistani cooperation. [Lakhanpal: 66].

Pakistan played the game skilfully, if only because the bureaucracy of the Commonwealth Relations Office, which





dealt with India-Pakistan issues in Whitehall was helping it along. In a note to Attlee on October 29, Liaquat alleged that a drama was being played out by New Delhi to obtain the accession of the State to India by "fraud and violence." He retailed the events from the beginning of October, when complaints began to come from Kashmir about the blockade of supplies. This, he claimed were a result of 'disturbed conditions' in Pakistan.

The Pakistani Prime Minister claimed that his country had faced raids originating in the J&K State and charged that the Kashmir Prime Minister's warning that he would seek Indian assistance was nothing but a means "to suppress Muslims to enable Kashmir to accede to India by a *coup d'etat*." He claimed that Pakistan had done "all that could be done, short of use of troops which would have violently disturbed the Frontier" to prevent the tribal movement. "In these circumstances," Liaquat declared, "the Government of Pakistan cannot recognise accession of Kashmir to the Indian Union achieved as it has been by fraud and violence." [Lakhanpal: 67-8].

In his reply to Nehru, Liaquat drew a different and one-sided chronology. According to him, Sikh attacks on Muslims in East Punjab had inflamed feelings in the North- West Frontier and it was only with the greatest difficulty that the tribals there had been restrained. But later when Muslims in Poonch and Jammu were allegedly massacred by the J&K State Forces, "it became wholly impossible to prevent tribes from entering the State without using troops who would have created a situation on the Frontier that might well have gone out of control." Somewhat gratuitously, Liaquat added, "Your action of sending troops to Kashmir on the pretext of accession has made things infinitely worse." [Lakhanpal: 68-9].

Ironically, or perhaps not so, this was the position that the British government was taking behind the scenes. Jha has referred to an exchange of telegrams between Lord Mountbatten's aide Lord Ismay and Philip Noel-Baker, the Secretary of State for Commonwealth Relations in the British

Cabinet and political head of the Commonwealth Relations Office. On October 31, in a private telegram, Ismay described his meeting with Jinnah and Liaquat, and called on Noel-Baker to get Attlee to administer a strong jolt to Liaquat, "the Prime Minister of what I am convinced is, in this matter, the guilty state." He said that through conversations with Jinnah and other reports, he had no doubts that Pakistan controlled the raiders lines of communications and could interdict them at will. [Jha, 2003: 129].

Noel-Baker's response to Ismay on the same day was blunt. The British government did not believe that Pakistan had any hand in the tribal raid, and while the Indian intervention may have prevented the pillaging of Srinagar, "the Indian government made a dangerous and provocative mistake in our view in accepting, even provisionally, the accession of Kashmir to India." In Noel-Baker's view, India erred in not keeping Jinnah informed about what they were about to do. [Jha,2003:130-2].

These points were later elaborated by Noel-Baker in a formal note to be sent to New Delhi, but Attlee did not approve of it as he did not want to apportion blame at this stage. So, Noel-Baker sent it out to the British High Commissioners in Delhi and Karachi in early November 1947 as a backgrounder providing the government's perspective!

According to Dasgupta, the memo brings out the thinking of the CRO in this critical period. Besides repeating the points made earlier to Ismay, it clearly spelt out the British preference: " It would have been natural for Kashmir to eventually have acceded to Pakistan on agreed terms." [Dasgupta: 60]. In other words, the fault lay in the J&K Government's inability to negotiate with the Pakistanis and India's decision to accept accession. The tribal invasion was, in this logic, merely a consequence of these failings.

## Treachery in Gilgit

Even as Pakistan and Britain were accusing India of underhand actions in J&K, they were collaborating with each





other to buttress their geo-strategic goals of controlling the area proximate to Russia and China. On the eve of Partition, Britain had ended it's Gilgit lease and the territory had reverted to J&K State. A new governor, Brigadier Ghansar Singh had flown to take charge of the administration on August 1, 1947.
But, he did not reckon with the conspiracy that was afoot between two British officers of the Scouts, Major W.A. Brown and Captain A.S. Mathieson along with the Subedar-Major Babar Khan, a relative of the Mir of Hunza, who was a strong supporter of Pakistan. The 6 J&K Light Infantry was the nearest unit of the J&K forces, who were garrisoned in Bunji, 50 kms away. The battalion was split between Poonchi Muslims and Sikhs and the Muslim elements were ready to revolt.

On October 31 night, a company of Gilgit Scouts led by Brown and Babar Khan tried to capture the governor while he was asleep. But he got up and engaged the intruders. In the morning, Brown asked Brigadier Singh to surrender, claiming that non-Muslims in Gilgit would otherwise be massacred. The Brigadier did so and was placed under arrest and while the Muslims in the 6 J&K LI joined the conspirators, its Sikhs were killed or captured. A Provisional Government under Major Brown and a number of other Poonchi Muslim officers was formed and the Pakistani flag hoisted. None of the local Mirs or Rajas were part of this government.

From this base, Pakistan was able to launch attacks on Skardu, Dras, Kargil and Leh. The garrison in Skardu held out through a heroic siege of nine months, and finally capitulated on August 14, 1948 when the commander, Lieutenant Colonel Sher Jung Thapa was left with just four officers, one Junior Commissioned Officer and 35 jawans. But the garrison in Leh managed to hold out till ceasefire came.

Pakistan did not question this *coup-de-etat*, nor did they make even a token suggestion about the need to determine the will of the people of this vast region, neither did they bother with the fiction of an "Azad" type government. Two weeks after Brown's coup, a nominee of the Pakistan government, Sardar

Mohammed Alam was appointed Political Agent and he took possession of the territory. Since then Pakistan has ruled the area directly from its capital, first Karachi and now Islamabad.

## The Deepening Rift

On October 30, in a cable to the British Prime Minister, Liaquat had repeated the point that the frontier tribesmen were up in arms because of India's intervention in Kashmir and any effort to stop them could involve "us in a major Frontier war." He repeated the view that the tribal raid was a consequence of the attack on Poonch Muslims and the massacre of the Jammu Muslims by State troops, adding "The killing of Muslims in Jammu and raids by State troops into Pakistan continue...." Coming as it did, a week after the State Forces there had been completely overwhelmed, it bore the hallmark of the deception being played out by the highest echelons of the Pakistani government. [Lakhanpal: 69-70].

Nehru responded by a lengthy telegram on October 31. Unlike Liaquat who appeared sensitive only to the Muslims killed, Nehru unreservedly condemned the cycle of violence that had led to the murder and displacement of thousands of Hindus, Sikhs and Muslims in East and West Punjab. But, he said, "I find it impossible to accept either your version of causes and courses of attack on Kashmir or baseless suggestion that we have sent troops 'on pretext of [the] accession'." He told Liaquat that far from raiding parts of Pakistan from Jammu, "today a considerable part of Jammu Province has been occupied by raiders from West Punjab." In his view, the October 22 tribal raid was linked to the Jammu operation. He also told Liaquat that the Indian government was aware of two concentrations of Pakistani forces in Kohala and Jammu border preparing to move in— these were the brigades that Jinnah had wanted Gracey to send into the State.

Nehru emphatically rejected Liaquat's contention that India had obtained Kashmir's accession by fraud. He said





that India considered the Kashmiri request for accession for two days and then accepted only when it became clear that there was possibility of large-scale massacre in the Valley. India had accepted accession at the Maharaja's request as well as that of "the most numerously representative popular organisation in the State which is predominantly Muslim (National Conference)." He added that had there been a conspiracy to affect accession, "we would not have waited till large areas of Kashmir and parts of Jammu Province had been given to fire and sword and Srinagar itself was in peril of capture by the raiders...."

Nehru told Liaquat pointedly, "I have no doubt that you realise that the raiders from the Frontier Province, or along the Murree road, come from Pakistan territory and it is the easiest thing in the world to stop them at the two bridges which connect Pakistan territory to Kashmir." That they were not stopped was an indication of the Pakistani role in the affair, Nehru noted, adding "We are credibly informed that regular officers of the Pakistan army are advising the raiders." In conclusion, he once again appealed to Liaquat to interdict the raiders in their passage across Pakistani territory. Finally, Nehru assured Liaquat, that once peace and order had been restored, Indian forces would withdraw and allow the people of the State to determine their future. This, he said was a pledge not just to the Pakistan government, "but to the people of Kashmir and to the world."

Two days later in a radio broadcast on November 2, Nehru reiterated the Indian pledge which he said was not just to the people of the State "but the whole world," adding that India was even prepared "when peace and law and order have been established to have a referendum under international auspices like the United Nations." [Lakhanpal: 70-2].

On October 29, a meeting of the Joint Defence Council had been scheduled to be held in Lahore. Nehru begged off from attending it, pleading illness. The Indian Governor-General invited his counterpart Jinnah to come to Delhi, but the Quaid claimed he was busy, so Mountbatten went to Lahore on

November 1 for the meeting. He had obviously come well prepared and the first thing he did was to give Jinnah the statement of the three British chiefs of the Indian armed forces stating that no planning for Kashmir had been undertaken before October 25. He rejected Jinnah's claim about the accession resting on 'fraud' and 'violence', pointing out that the Maharaja was fully entitled to make the decision and that the violence had been from the Pakistani side. He handed Jinnah a formula to resolve all the India-Pakistan issues relating to accession of States whose ruler was not of the community to which the majority of the population belonged. These he said, would be decided by an "impartial reference to the will of the people." Jinnah rejected this scheme and argued that the States should accede as per their communal majority [Dasgupta: 72-3].

In answer to Jinnah's belief that an impartial plebiscite, as promised by India could not be held because of the allegedly biased Kashmir administration, Mountbatten suggested that it be carried out under UN auspices. Jinnah balked at even this and suggested that the two Governors-General be given plenary powers to resolve the matter. [Lakhanpal : 78]. This was indeed a major shift from the Quaid's position of just a couple of months earlier insisting that the Princely States had the unfettered right to accede to whichever Dominion they chose.

Jinnah's three-point proposal for settlement as outlined in a cable to Attlee on November 4, 1947 was:

- Both sides would give forty-eight hours notice "to the two opposing forces to ceasefire." The Governor-General of Pakistan, viz. Jinnah himself "had no control over the Provisional government of Kashmir or tribesmen engaged in fighting, but he will warn them in clearest terms if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.

- Both the tribesmen and the Indian forces were "to withdraw simultaneously and with utmost expedition" from J&K.

- The two Dominion governments, namely India and Pakistan would empower the two Governors-General to restore peace and "undertake the administration of Jammu & Kashmir State and arrange for plebiscite without delay under their joint control and supervision." [Lakhanpal : 73-4].





Besides the somewhat ingenuous claim that Pakistan had no control over the tribesmen, the thrust of his proposals was clear: The Maharaja and the Kashmir government were to be set aside and Pakistan given a role as an equal in the affairs of the State. The fact of the legal accession of the State to India was to be ignored, as indeed the UN. On the other hand, the two Governors-General, were to assume special powers, and the Government of India headed by Nehru bypassed. This is all the more remarkable considering that Pakistan still maintained that it was neither party to the dispute, and nor involved in any way in what had happened in the State since October 22.

An exasperated Prime Minister Nehru said in his counter-proposals to Jinnah on November 8 :

> *The raiders are either under your control or they are not. If they are under your control, you should withdraw them and, in any event, stop them from coming through Pakistan territory into Kashmir. If they are not under your control, and you can do nothing to stop them, then, surely, we are entitled to deal with them as we think best.*

Nehru's proposal was that Pakistan should publicly do its best to get the raiders to withdraw, and the Government of India would reiterate its commitment to pull out its forces once the raiders had gone, and law and order restored. Thereafter,

"India and Pakistan should make a joint request to UNO to undertake a plebiscite in Kashmir at the earliest possible date." This, as is evident today, was a remarkably fair and straightforward offer. The problem for Pakistan — and the British hardliners like Noel-Baker — was that they could not afford to allow a genuine plebiscite to take place since it would, in all likelihood, have gone in favour of India.[Lakhanpal : 77-78].

The Pakistani tactic was clear. To each accusation of complicity of its forces with the raiders, it responded with a countercharge that Indian forces were involved in atrocities against Muslims in Jammu and East Punjab. At no point is there even a hint in the response of Pakistani leaders that the atrocities following partition were committed by both sides, viz. Hindus and Sikhs against the Muslims and vice-versa. On the other track, Pakistan called for a settlement under the aegis of the UN, because only in this way could it bypass the fact that Kashmir had acceded to India legally.

Indian leaders like Nehru and Gandhi repeatedly expressed their anguish at the cycle of violence that had resulted in the loss of so many lives. Nehru's open approach is apparent when on November 21, in a telegram to Liaquat, he readily acknowledged that after investigations it had been determined "that two convoys of Muslims had been brutally attacked in Jammu (in early November). We took immediate steps to prevent [further] evacuation of Muslims from Jammu and to protect them there...." He said that this incident had taken place in the immediate aftermath of accession and that another convoy that had set off was protected and when it was attacked, the security forces fired at the attackers killing 153 of them, wounding a hundred and capturing 500.

He once again pointed out that in the Poonch area, the garrisons of State Forces were besieged, and it was "difficult to understand, therefore, how the local Muslim population in the area could be victimised by non-Muslims."

In the same telegram, Nehru took up the issue of Liaquat's call for UN intervention. He pointed out that the UN





did not have forces to put a stop to the fighting. "This could only be done by an organised military force and is being done by our troops." On the point that the UN set up an impartial administration in the State, Nehru felt realistically that there was not much the UN could do till peace returned. As for the plebiscite, he said that India had repeatedly said that as soon as the raiders had been withdrawn and peace restored, Kashmir would decide on the subject of accession through plebiscite "or referendum under international auspices such as those of the United Nations." But no such activity could take place as long as there "were large bodies of raiders" in the State.[Lakhanpal : 81-3].

With the success of the Indian forces in clearing the Valley of the raiders, the Pakistani tone became increasingly truculent. Liaquat's response to Nehru was a long telegram to Attlee, copied to Nehru, insisting on UN action. He complained that Attlee was focusing only on the plebiscite and ignoring the issue of the prerequisites for the "free and fair exercise of the will of the people." He wanted the withdrawal of all outside forces, Indian or tribesmen, as well as "Armed Sikhs and Rashtriya Sewa Sangh (sic)" and the establishment of an impartial administration. He charged that Nehru's promise of plebiscite was to mislead the world, but the issue was not plebiscite, but how it was to be conducted. He attacked Abdullah's administration and said that the Sheikh was a "paid agent" of the Congress and a Quisling. [Lakhanpal: 84-6].

Nehru's response, too, became tougher. He went to Lahore on December 8 for the Joint Defence Council Meeting and listed the Indian complaint and observed that India had proof of Pakistani complicity in the tribal invasion. At this stage, the Pakistani position was to maintain a distance from the event and the Pakistanis responded that the tribals had their own sources of obtaining weapons and Pakistan could not stop them without going to war with them. Both countries appeared to agree on a plebiscite, but both wanted the other

to act first: Pakistan wanted India to withdraw, while India insisted that this could only happen after Pakistan called off the raiders. The Pakistani proposal would, of course, have left the state at the mercy of the by now well-organised Azad Kashmir forces.

Nehru's formal response to Liaquat's earlier telegram was sent to Liaquat on December 12. He said that while India was willing to have UN observers "advise us on the plebiscite, it is not clear in what other capacity the United Nations help can be sought." He asked Liaquat as to who India was to deal with since:

> *According to your own declaration to us you are not party to the present struggle in Kashmir. We cannot treat with irregular invaders as a State. [Lakhanpal: 86-7]*

The comment struck home and Liaquat's response was that "The security of Pakistan is bound up with that of Kashmir, and ties of religion, cultural affinity and economic inter-dependence bind the two together still closer." Pakistan, he declared was only interested in "peaceful and honourable conditions" in which people could decide who they wanted to accede to. He maintained that these were the circumstances in which the dispute ought to be approached, rather than "by any legal disputations as how Pakistan is a party to the dispute or how the UNO can be brought in."

In the space of six months, then, the Pakistani position had changed from one where it backed the unfettered right of the ruler to decide on accession, to one where national security, religious persuasion, economic interdependence and cultural affinity became the key determinants. By this time, according to Akbar Khan, the Pakistan Army involvement had been enhanced. He refers to a meeting of December 4, 1947 that was held with the Pakistani Prime Minister at the Rawalpindi Circuit House, where for form's sake the then British chief of the Pakistan army Sir Frank Messervy was in an adjacent room.





He now told Khan he would get a million rounds of ammunition and also allowed him to take 12 more volunteer officers from the Army.[Khan: 76].

Nehru's last direct appeal to Pakistan came in the form of a letter to Liaquat, handed over personally by Nehru when the former came to New Delhi on December 22, 1947 to attend a meeting of the Joint Defence Council. The letter spelt out the Government of India's principal demand that Pakistan deny "all access to and use of" Pakistani territory for the raiders' operations in Kashmir. It bluntly charged Pakistan with aiding the invaders noting that some had transited through Pakistan and others were Pakistani nationals, and both were using bases in Pakistan to launch attacks on J&K.

Much of the military equipment had been obtained from Pakistani sources -- "mortars, artillery and Mark V mines are not normally the kind of armaments which tribesmen or civilians possess." Pakistan had provided food and fuel to these invaders and many of them were being trained in Pakistan by Pakistani officers and other nationals. The Government of India therefore demanded that Pakistan deny to the raiders:

- All access to, and use of, Pakistan territory for operations against Kashmir State;
- All military and other supplies;
- All other kinds of aid that might tend to prolong the present struggle.

If Pakistan did not respond, Nehru declared, India would be free to take any action "with regard to their rights and obligations as a member of the United Nations."

Liaquat's response of December 31 took up not just Kashmir, but all of partition. He charged India with master-minding the massacres and of wanting to destroy Pakistan. As for Kashmir, Liaquat declared, the Pakistan Government had

not accepted "and cannot accept the so-called accession of Jammu & Kashmir State to India."

In its view, this had been obtained by violence and fraud and against the will of the people. The responsibility for the violence lay with the Maharaja's government which had begun a policy of repression of the Muslims aided by Sikhs and the RSS and this had "aroused strong feelings" in Pakistan and Muslims living in contiguous areas. "Some of these people went across to assist their kinsmen in their struggle for freedom." All this was part of a pre-planned plot to get the Indian army to intervene. This led to the frontier tribesmen "a ferociously freedom-loving people" to take up arms "in support of their Kashmiri co-religionists."

By now Liaquat had turned the whole sequence of the tribal invasion on its head by virtually claiming that the Indian intervention had led to the tribal invasion, not the other way around. But he did not deny that Pakistani nationals were involved. Though he did clearly imply that Pakistan would rake up all other matters pertaining to partition if India took the issue of Kashmir to the UN.

On January 1, 1948, India put in a complaint to the UN under the non-binding Article 35, Chapter VI of the new world body's Charter. It drew the attention of the UN the situation in J&K which was endangering international peace and security. New Delhi wanted the UN Security Council to order Pakistan to end this aggression, failing which India could find itself compelled to enter Pakistan to prevent the raiders from launching fresh attacks.

**Was Accession Legal?**

The June 3 declaration and the Indian Independence Act of 1947 had not made much reference to the issue of accession of the Princely States, but it was specified that the Government of India Act of 1935 would serve as the interim constitution for both the new Dominions with necessary modifications. Section





6 of that Act had stipulated that, " An Indian State will have deemed to have acceded to the Dominion if the Governor General has signified his acceptance of an Instrument of Accession executed by its Ruler thereof whereby the Ruler on behalf of the State (a) declares that he accedes to the Dominion with the intent that...."

As we have shown earlier, the partition of India, the creation of two Dominions were part of a package, given authority and legitimacy, by an act of British Parliament. Barring Sylhet and the North-West Frontier Province, the British did not make any provision for the "will of the people" or any form of "self-determination" for their Indian subjects, especially of those provinces like Bengal and Punjab which were divided by the British jurist Sir Cyril Radcliffe. Even in those two areas, the voting was on a narrow property based franchise that obtained across India at the time.

The Princely States did not have any international standing and were subject to the British decision that they accede to one or the other Dominion. Those who had indicated a preference for independence were told in no uncertain terms that that was not an option. More important, the right to decide on accession was seen as a free and unfettered right of the ruler of the State. However wrong this would appear today, it was the reality of the times, and one accepted by both sides, at least till Partition.

Seen in this light, the accession of Jammu & Kashmir to India, made on a set format, used by hundreds of other States that acceded to India or Pakistan, was unconditional, voluntary and absolute. It was not subject to any exceptions. In this case, it bound the State of Jammu & Kashmir and India together legally and constitutionally. Second, Clause 5 of the Instrument of Accession itself made it clear that this could not be varied by any amendment of the Act "unless such an amendment is accepted by me [the ruler signing it] by Instrument supplementary to this Instrument." This clause is important because, from the juridical point of view, at least, the Kashmir

ruler was not bound by the Government of India's "wish" that the matter be settled by reference to the people." As Mehr Chand Mahajan, Prime Minister of Jammu & Kashmir and later Chief Justice of the Indian Supreme Court wrote, the "finality which is statutory cannot be made contingent on conditions imposed outside the powers of the statute. Any rider that militates against the finality is clearly *ultra vires* and has to be rejected."

Referring to Mountbatten's rider, former Chief Justice of India, A.S. Anand answered those who believed that the stipulation rendered the accession conditional and that the question of the State's accession was yet to be settled by a reference to the people of the state:

> *That, however, is not so. The "wish" was, at the most, a pious hope. It did not render the accession conditional. The only documents relevant to the accession were the Instrument of Accession and the Indian Independence Act, and both the constitutional documents did not contemplate any conditions and, therefore, there was no question of the accession being conditional*[ *The Tribune* (Chandigarh) February 22, 2005].

Lars Blinkenberg, the Danish scholar has pointed out that "almost all non-Pakistani writers have come to the conclusion that the accession of Kashmir was *legally complete* when the Governor General signed the Instrument of Accession on October, 27, 1947." Here he also cites a German work of international law specialist, Rudolf Geiger who has studied the issue in some detail.

He has rejected the Pakistani claim that it was brought by "fraud and violence" as well. He has also rejected the contention that the Maharaja had lost control of his dominion and therefore could not sign the Instrument. He notes: "Even if we assume that the whole of Poonch Jagir had come under the revolutionaries' influence by October 27 this would have meant only an area (perhaps one-tenth of the State) with a





population of 420,000, as compared to more than 4 million of the whole State." As Geiger's study points out, "the Maharaja was still the only *legal* authority of the State on the date of signature." [Blinkenberg, vol I: 82].

What we have seen is that the ambiguity, or even a lacuna, in the British partition plans led to a number of serious problems with some of the Princely States. But while the Patel-Menon duo had peacefully managed the bulk of them, important states like Hyderabad, Junagadh and Jammu & Kashmir held out. While the fate of the first two was almost predetermined because they were completely surrounded by India, Jammu & Kashmir was contiguous to both India and Pakistan. In the month of September and October there was considerable jockeying on both sides to secure the accession of the State to their Dominion. On the Indian side, the game seems to have been played by Patel and Menon, because of Nehru's insistence that accession was secondary to the issue of democratic choice in the State. As for Pakistan, according to Zaheer:

> *Irrespective of the official stand of the Government of Pakistan – that it was ignorant of the invasion or unable to stop the tribesmen – the fact is that there was a consensus, based on moral conviction, among the Kashmiris, Punjabi and other political and government leadership and the West Pakistanis at large, that Kashmir belonged to Pakistan and some kind of armed action was required to achieve its accession*[Zaheer: 99]

Yet there was a certain ambiguity to this moral conviction as evidenced by Pakistan's stand on Junagadh, which, as we have pointed out, was a State with a Hindu majority and with no contiguous territory with Pakistan. Neither were Pakistani sentiments shared by the bulk of the Kashmiris in the Valley who, even Zaheer points out, were quite peaceable even in October, and indeed even after the invasion. Pakistan's "consensus" or "moral conviction" did not, of

course, bind India, or for that matter, overrule the legal framework that had been created, for the partition of India. At the end of the day, Pakistan, or for that matter India, could not simply pick and choose the elements of the British partition plan that suited them, and ignore the ones that did not.

As for the British, despite the fact that accession of J&K to India followed the legal procedures they had themselves left behind, they felt cheated. As Noel-Baker's memo cited above noted, Kashmir "should have" acceded to Pakistan as a matter of natural course. So, to set things right, Noel-Baker set off for New York to participate in the UN Security Council proceedings, where he shrewdly manipulated the proceedings and undermined India's case and successfully muddied the Kashmir waters.



# *The United Nations*
## *A Flawed Approach*

The United Nations had been created in 1945 as a successor to the ill-fated League of Nations. The body, set up by the victorious powers of the Second World War, tried to remedy the flaws of the latter. Like the League, it was a body based on the sovereign equality of its member nations who were committed to resolve their disputes by peaceful means, refrain from the threat or use of force. But unlike the League, it contained a mechanism, namely the Security Council, whose duty was to oversee the process of maintaining peace and security. They were to, first, explore ways of resolving a dispute peacefully, then suggest a settlement or propose mediation. In the event of fighting, the Council's aim was to secure a ceasefire, if necessarily supervised by its' peacekeepers. The Council could also take action to enforce its' decisions by imposing sanctions or a ban on arms sales to specific countries. Finally, under Chapter VII of the UN Charter, the Council had the right to authorise 'all necessary means' including armed action to implement its' decisions. The Council originally consisted of 11 members of which five, the original founders, the US, UK, France, USSR and China were permanent. Later, in 1965, the membership was increased to 15 to more effectively balance the representation of the non-permanent members. On all

substantial issues, including the investigation of a dispute, imposing sanctions, the support of all five permanent members' support was needed. A veto by any of them would result in the rejection of any such motion, even if the rest of the Council supported it by a majority.

In 1947 the non-permanent members of the UN Security Council were Australia, Belgium, Brazil, Colombia, Poland, Syria in addition to the five permanent members. The following year, Canada and Ukraine were elected in place of Brazil and Poland. At the time, the Cold War had not quite begun, but it was clear that in the early years of the UN, the key role was played by the Western powers under whose inspiration the world body had come up. The early problems that were brought before the world body related to the war – Iran, Greece, Corfu, Indonesia, and so on. What is also evident is that the USSR did not take the new body seriously and recorded a series of abstentions in 1946-48, including on those relating to India, Pakistan and Kashmir.

As the paramount power in South Asia, Britain had been legally responsible for the defence of Jammu & Kashmir against external and internal disorder till August 15, 1947. Yet when Kashmir turned to it for help on the eve of the tribal invasion, Britain turned its back on the State. We alluded in the previous chapter to Whitehall's stand, despite the reports and views of their own senior officers – Lord Mountbatten and Lord Ismay serving with the new Dominion of India. Jha and Dasgupta have convincingly shown that British officials at the Commonwealth Relations Office (CRO) and the Foreign Office had been aware of the growing danger to Kashmir from both Pakistan and the tribes of the frontier, yet they chose not to inform either the State or India.

Worse, when on October 15, 1947, they received a telegram from the new State Prime Minister Mehr Chand Mahajan, informing them of the Pakistani blockade and the border raids and invasion of Poonch, they advised the British Prime Minister Clement Attlee not to do anything. There was





no indication that the CRO sought additional information on this, or sought to avert a possible conflict. According to Jha, this was because of "the existence of a tacit understanding in the British government that it would turn a blind eye towards developments in Kashmir, so long as these were taking it towards Pakistan." [Jha, 2003: 112-3].

When Nehru sent Attlee a telegram on October 26 informing him of the invasion and of the grave peril to Srinagar and the fact that India was considering armed assistance, Attlee did not relent. His reply was a somewhat redundant appeal to India to desist from armed intervention.

The attitude became clearer when, in response to Nehru's October 27 telegram informing the British government about the accession of Kashmir to India and the consequent Indian intervention, Attlee replied : "I do not think it would be helpful if I were to comment on the action which your government has taken." There was no sympathy for the Maharaja of Jammu & Kashmir, till lately a loyal vassal of the British, nor for the plight of the hapless Kashmiris, nor support for the Indian action, and significantly lack of any criticism of Pakistan for enabling the tribal lashkars to cross its territory and assault the State, and kill, among others, British subjects. The key issue, Attlee noted, was not the invasion of Kashmir, but the need to prevent an India-Pakistan war and "to ascertain the will of the people in a State like Kashmir." [Jha, 2003: 115-6].

British policy as we pointed out had been set by the memo that Noel-Baker had sent on October 31, 1947 that had argued that Kashmir should have acceded to Pakistan in the natural order of things. Dasgupta has noted as to how, on the same day, he sent a telegram to Liaquat Ali Khan which clearly encouraged Pakistan to make the withdrawal of the tribal forces contingent on a larger India-Pakistan agreement to resolve the Kashmir issue through negotiations.

In other words, the tribal withdrawal would *follow* a Kashmir agreement, not precede it. This telegram under Noel-Baker's instructions, was to be communicated to Mountbatten,

but kept away from Nehru and the Government of India. The communication was sent on the eve of the meeting of the Joint Defence Council on November 1, which Nehru had avoided pleading illness. Instead Mountbatten went and met his Pakistani counterpart, Quaid-e-Azam Mohammed Ali Jinnah. [Dasgupta: 60-1].

Now, having failed to prevent the accession of Kashmir to India, British officials sought to undermine the legitimacy of accession and undo it through the United Nations. To this end, they sought the help of the United States, which had now emerged as the *de facto* leader of the Western world. British policy on Kashmir, Pakistan and India was being shaped by British interests in the Muslim world, specifically the oil-rich Middle East, where they held important economic interests. The British were under American pressure to permit Jewish immigration into Palestine, which was anathema to their Arab allies and interests. British officials felt that in view of this, it was important to keep on the right side of Pakistan, which had emerged as the world's largest independent Muslim nation.[Jha, 2003:141].

British officials were aware of the extent to which they had been weakened by the Second World War and that the United States had to assume the larger responsibility. The initial problem was to get the Americans to move. To this end, the British took recourse to alarmist reporting about the situation, and when this failed, the "Soviet threat". In mid-November 1947 a British Foreign Office official told the US charge d'affaires W.J. Gallman in London that the Government of India was trying "to smother Pakistan in the crib before it could get going on a practical basis." He claimed that Congress Party zealots planned to kill Jinnah and trigger a Pakistani collapse.

When this did not work the Soviet threat was trotted out. On December 29, around the time India was preparing its complaint to the United Nations, the British official again met the US Charge and told him that if there was an all-out war between India and Pakistan, Afghanistan would support





Pakistan and the Soviet Union would also join this alliance "because more trouble could be created that way."

A few days later, the senior official in the Commonwealth Relations Office showed Gallman the copies of the Nehru-Attlee exchanges, and pointed to Nehru's threat that India may be compelled to act across the Indo-Pakistan border if Pakistan failed to stop military training being given to 100,000 tribals and other Pakistani nationals for operations against India. The British official wanted the American Embassy in New Delhi to advise Nehru not to undertake such a "rash action." [Venkataramani:35-6].

The Americans were alarmed, but they refused to caution New Delhi alone, as the British wanted. Their December 31 appeal for peace addressed to both countries against "precipitate action by either government" was based on the fear that India might begin a general war against Pakistan.

But a position paper prepared by the Department of State for its UN delegation on December 2 indicated that at this stage, the US was determinedly neutral. In fact, they did not even feel the need for a UN intervention on the issue. "We would much prefer that the Kashmir question be settled by direct negotiation between India and Pakistan," the position paper noted. However if India or Pakistan came up with a resolution requesting UN intervention and it was backed by the UK, the US would support it. [R.K. Jain: 3-4].

On January 1, 1948 the Indian representative at the United Nations, P.P.Pillai sent a letter to the President of the Security Council along with a telegram from the Government of India dated the previous day, complaining of Pakistani aggression under Article 35 of the UN Charter. Two weeks later, Pakistan sent a counter-complaint also under the same article of the charter.

Article 35 forms part of Chapter VI of the United Nations Charter titled "Pacific Settlement of Disputes." Under this chapter, the UN Security Council can investigate any dispute, or situation that could give rise to one and endanger peace

and security. The role of the UN Security Council here is limited to that of a mediator, and it cannot impose a settlement. So essentially, India and Pakistan sought the UN's help in mediating a solution.

The Indian complaint noted: "Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the North -West, are drawing from Pakistan for operations against Jammu & Kashmir, a State which has acceded to the Dominion of India and is part of India....The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India."[Lakhanpal: 107-8].

The complaint went on to add that the invaders now numbered some 19,000 and were equipped with modern weapons. They wore standard uniforms, fought in battle formations of professional soldiers and were equipped with wireless sets and Mark V mines. Further, a large number of tribesmen were being recruited and trained in Pakistan.

The Government of India appealed to the Security Council to direct the Government of Pakistan:

- To prevent Pakistan government personnel, military and civil, participating in or assisting the invasion of Jammu & Kashmir State;
- To call upon Pakistani nationals to desist from taking any part in the fighting in Jammu & Kashmir State;
- To deny to the invaders (a) accesses to and use of its territory for operations against Kashmir; (b) military and other supplies, and (c) all kinds of aid that might tend to prolong the present struggle. [Lakhanpal: 111].

The complaint was admitted on January 6, 1948 but instead of taking it up immediately, given the urgency of the





situation, the President of the Council allowed an adjournment till January 15, to enable the Pakistani Foreign Minister Zafarullah Khan to arrive, and for the Pakistanis to submit their counter-complaint.

The Pakistani response of January 15 comprised three documents – a reply to the Indian charges, a counter-complaint against India, and a statement relating to the two documents. Predictably Pakistan emphatically rejected the Indian charges. It said that it had done everything short of war to stop the tribal movement, even while acknowledging that some "independent tribesmen and persons from Pakistan are helping the Azad Kashmir government in their struggle...."

In a second document, Pakistan raised a whole raft of disputes that could endanger peace and requested the UN to find means of resolving them. In the third document these issues were laid out: India was bent on destroying Pakistan, it had, from the outset, made a persistent attempt to undo the partition scheme; conducted a preplanned and extensive campaign of genocide against the Muslims in East Punjab and Punjab Princely States and obtained Kashmir's accession by fraud and violence. It was not honouring partition agreements and even the Reserve Bank of India was refusing to fulfil its obligations on currency and banking.

Pakistan asked the UN to appoint a commission to work out a way to stop the fighting and obtain the withdrawal of all outsiders – Pakistani or Indian – the return of Muslim refugees, the dismantling of the interim J&K government headed by Sheikh Abdullah and its replacement by a "representative government" followed by a plebiscite. [Lakhanpal: 113-130].

Throughout the prolonged deliberations of the Council, India's spokesmen concentrated their attention almost exclusively on the tribal invasion, but did not stress the legal and historical issues related to Kashmir's accession to India. The Indian spokesman concluded his opening statement on January 15 by declaring: "We have referred to the Security

Council a simple and straightforward issue....the withdrawal and expulsion of the raiders and the invaders from the soil of Kashmir and the immediate stoppage of the fighting are... the first and the only tasks to which we have to address ourselves."

The following day, Pakistan Foreign Minister Sir Mohammed Zafarullah Khan amplified on the documents that had been presented charging that the Maharaja had no authority to sign the Instrument of Accession as he had lost the confidence of his people and that the only way out was for a withdrawal of all outsiders preliminary to a plebiscite.

The Pakistani denial is interesting in that it actually declared, though implicitly, that Pakistan had no *locus standi* in Kashmir. Nowhere was there a claim that Kashmir was part of Pakistan, or that Pakistanis had any kind of right to "liberate" the Kashmiris. Somewhat more explicitly, it recognised that the tribal movement was going on across its territory, and claimed that it was something that it was trying to discourage.

Blinkenberg's analysis of the two complaints is that while Pakistan sought to muddy the waters – linking the issue to the problem of the larger tensions between Hindus and Muslims that had given rise to the Partition – India wanted to avoid stoking communal conflict and focus on the narrow aspect of the tribal invasion of Kashmir. He also faults the Indian side for not stressing the legal aspects of the accession to India, under the terms of Partition. [Blinkenberg: vol I:101].

**The British Stir the Pot**

But when the debate got underway, the UNSC ignored the Indian complaint with active encouragement of the British representative Philip Noel-Baker, the Secretary of State for Commonwealth Relations, who had been designated as the leader of the British delegation to the UN Security Council. Within days of their arrival in the US, Noel-Baker and, Lord Ismay, who had till the previous month been Mountbatten's aide, advocating India's cause, began the process of undermining





India's case on Kashmir. The British Cabinet did not meet on the subject till the end of February. In the meantime, the officials in London and New York, led by Noel-Baker made policy.

Noel-Baker's aim was to push a settlement that would undo the accession of the State to India and ensure that it went to Pakistan. Towards this end, he began to work out what, in his view, ought to be the elements of the 'solution' for Kashmir. On the day India filed its complaint to the UN, Noel-Baker's Commonwealth Relations Office sent out a note on the Kashmir issue that it wanted its diplomats to paraphrase and disseminate. It outlined in the bluntest manner British thinking on Kashmir which, undoubtedly, had been shaped by Noel-Baker. In a classic manifestation of *suppresio veri, suggestio falsi*, it stated that the Kashmir conflict was not an outcome of the tribal invasion, but of a rebellion against the Maharaja *following* his decision to accede to India, which the Indian army was now seeking to crush. [Jha, 2003:140-1].

As the UN Security Council prepared to look into the issue, the CRO began to formulate the line it wished to pursue. On January 3, 1948 a British memo to its UN delegation included the following ideas: First, the Security Council would call on both parties not to aggravate the situation. Second, there would be a ceasefire, which, to be acceptable to Pakistan, would contain provisions for a plebiscite. This would involve a Pakistani force replacing the raiders, and the thinning Indian forces to the level of the Pakistani entrants. Third, a neutral general would be appointed to command Indian and Pakistani forces left in the State and a neutral administration would be set up to replace the Abdullah and Azad Kashmir administrations.

After this process, the UN would be asked to create a commission to work out the arrangements for a plebiscite. For the conduct of the plebiscite, a neutral UN force could be introduced, or the Indian forces could be withdrawn to Jammu and the Pakistanis to Muzaffarabad and Poonch, with a small neutral UN force for the Valley. [Dasgupta: 112-113].

According to Dasgupta, "On every major point, the new approach endorsed the Pakistan position." Even the British chiefs of staff felt that several elements of the proposal, especially the idea of a neutral force or a joint Indo-Pakistan force were unworkable and that the best option was for the Indian army to support the UN administration. This was turned down by the CRO because it would be unacceptable to Pakistan. [Dasgupta: 113-4].

It was only on January 10, that Attlee gave some instructions to Noel-Baker, but these were quite general and did not deflect the latter from his own game. Attlee noted that British strategy in the Security Council would be: First, to prevent an Indian attack on Pakistan; second, to ensure that the settlement be guided by the Council, rather than bilaterally by India and Pakistan; third, in view of the Palestine situation, Britain would have to go out of its way to assure Pakistan that it was not siding with India; fourth, India, too, had to be handled with care. By playing "on their respect for legal processes" the Indians had to be persuaded to accept what the Security Council recommended. [Dasgupta: 114].

A CRO circular of January 12 gave further insights into British thinking and the compulsion of avoiding "giving Pakistan the impression that we are siding with India...[because] in view of the Palestine situation this would carry the risk of aligning the whole of Islam against us." The note also outlined the four key issues that the CRO wanted to drum up support for: A UN Commission on India and Pakistan; Indian and Pakistani agreement to create a neutral administration; a UN council to administer Kashmir; and the withdrawal of Indian forces and the replacement of the raiders by Pakistani troops. As Jha has observed that if this sounded like the CRO was working along the lines suggested by Pakistan, it was. The circular itself underlined that "These proposals are similar to those made by Pakistan Prime Minister in a public statement on November 16, [1947] ". [Jha 2003: 142].





The initial US reaction to the Kashmir war was quite detached. American officials in Karachi and New Delhi were clear that there had been some kind of a Pakistani role in the tribal raid. American policy was benign towards both countries and neutral in the conflict. Secretary of State George C. Marshall and the State Department did not have any doubts about the legality of the accession of the State to India. But in terms of policy, they were clear that they would follow the British lead.

The Americans were a key part of Noel-Baker's plan. He wanted to fire the gun against India from American shoulders and, to an extent, he was successful. On January 10, 1947, Noel-Baker and Ismay had met US Undersecretary of State, Robert Lovett and presented the set of proposals, cited above, that they had been formulating since the beginning of the month. They told the Americans, that these should form a common Anglo-American approach to the issue.

These, as we noted, envisaged placing Kashmir under UN control pending a plebiscite, the division of Jammu & Kashmir into military zones with Pakistani forces in the north, the Indians in Jammu and a mixed force in the Valley and Srinagar, a neutral military commander who would have 1,000 international troops, scores of UN observers and could also function as the interim administrator of the State. The US was cautious, and sceptical that the British plan would get agreement from both India and Pakistan. Citing pressing requirements elsewhere, they declined to take the lead. The Americans also found the British plan too complex and felt that it was perhaps beyond the capacity of the UN Security Council to execute. Instead on January 14, they argued for a simpler approach that would 1) institute a ceasefire; 2) set up a UN commission to assist the peace process; and 3) and conduct an early plebiscite that the commission could assist. [Jain vol 1: 10].

In the end, Jha points out, British persistence and the American reluctance to take the lead on the issue paid off and Noel-Baker was able to get American cooperation to alter the terms of the debate by bypassing any discussion on the

Pakistani invasion, and instead moving straight to that of working out ways of holding a 'fair' plebiscite. This, Jha points out, also helped to evade the issue of sovereignty and allowed the UN to treat both parties as equals. [Jha 2003: 142]. As for India, it remained blissfully unaware of the manoeuvres that were taking place behind the backs of its delegation. India felt, and its delegates argued, that since it had already committed itself to hold a plebiscite, the main issue that the UNSC needed to address, and indeed the one for which it had been approached, was that of Pakistan's aggression.

**The UN's First and Second Resolutions**

The Council's first resolution on January 17, 1948 was an anodyne one, calling on both sides to improve the situation and not aggravate the problem. It also requested both sides to inform the Council of any "material change" in the situation. This resolution, as we will see, was grossly violated by Pakistan. But the real activity at this stage was behind the scenes. [Lakhanpal: 132-3].

In its second resolution of January 20, the UN Security Council set up a three-member United Nations Commission for India and Pakistan (UNCIP) to investigate the situation and report back to the Council, as well act as a mediatory body.

Curiously, the UNCIP, which was supposed to urgently go to South Asia and report back to the Council, seemed to be in no hurry to undertake its task. One reason for this was that Pakistan, which was not eager for the body to actually investigate the facts, did not nominate its member till the end of April 1948, more than three months later. The Commission actually left for the region six months later, only after repeated urging by the Security Council.

The reason was that the British did not want the UN to focus on the issue of unprovoked attack by one member state against another, but on the ownership of a territory, and any Commission that actually visited the region would have soon





stumbled on Pakistan's role in the conflict, something that it did discover, but several months later. It soon became clear that the UNSC did not want to bother itself with the subject that it was supposed to deal with – the tribal invasion of the State backed by Pakistan. It got involved in how the concerns of those invaders and their backers, Pakistan, could be addressed. This was all the more surprising considering that countries like the US accepted the legality of Kashmir's accession to India.

Just how cynically the British were operating has been brought out in Marshall's January 14 telegram to Senator Austin where he noted that the "less complicated" American plan differed from the UK one in one essential point "about which Noel Baker expressed himself strongly, namely that the process of conciliation should take place in New York and be supported by the SC decision rather than be left to the SC commission in the area." It is not difficult to conclude that Noel-Baker wanted the substantive action to take place in New York where he could manipulate the situation, rather than in South Asia.

On January 22, after some complex wrangling initiated by Noel-Baker, the Council actually changed the agenda item's nomenclature from "the Jammu & Kashmir Question" to the "India-Pakistan Question." In short, the British now succeeded in deflecting the Security Council from addressing the main issue – the invasion of Kashmir by tribesmen supported by Pakistan, to the larger quarrel that had given birth to two subcontinental Dominions from British India.

Noel-Baker was working along a plan. In its first stage, the UK and US persuaded India and Pakistan to meet the President of the Security Council to work out a common ground. Then, Noel-Baker tried to push the two delegations along the common ground he envisaged, and had outlined to the Americans earlier on January 10. This took the form of a draft resolution that was not to be placed before the UNSC, but to be discussed by the President of the Council Fernand Van Langenhove of Belgium, with the two parties. The idea

was to have it appear that this represented a consensual approach of the Council as a whole.

According to this plan, India and Pakistan would be placed on an absolutely equal footing: the Maharaja and Sheikh Abdullah's administration would be dismantled and replaced by a UN-led set up; this would be an interim administration comprising three members of the UNCIP itself, and equal numbers of nominees of India and Pakistan; Indian forces would vacate the Valley and concentrate in the Jammu area, and Pakistan would be allowed to bring in its forces in the predominantly Muslim areas of the State. All these forces would be under the UN command located in Srinagar, which in turn, would be policed by a force comprising equal numbers of Indians and Pakistanis. This force would be leavened by a 1000-strong UN force which would exclusively run the headquarters. In short, the proposals would mean a UN takeover of the State.

## The Worm Turns

Till this time the Indian delegation, led by Gopalaswami Ayyangar, were unaware of the machinations taking place in New York. Somewhat naively, they had assumed that the British were genuinely seeking a *via media* between the two countries they had ruled till recently. In January when Noel-Baker had cleverly manoeuvred to have the Security Council change the agenda item from the "Jammu & Kashmir Question" to "India Pakistan Question," Ayyangar initially objected but then tamely went along. The Indian delegation consistently tried to show India as reasonable and fair—refusing to equate the raiders with Pakistani forces, not pressing the issue of their immediate withdrawal, and by harping on the fact that accession was conditional, to an extent, they actually encouraged Pakistan's demand that its contrary views be accommodated.

But when Ayyangar conveyed the details of the plan being pushed by Noel-Baker to Delhi, the Government of India was mortified, and on February 3, 1948, Nehru asked Ayyangar





to seek an adjournment and return to Delhi for consultations. In his note, Panditji said that that the majority of the Cabinet now wanted to get out of the UN entanglement "as gracefully as we can unless [the] Council shows greater consideration for our point of view." [Dasgupta: 120].

Nehru, whose personal beliefs inclined him to think that the US was behind the machinations, soon learnt otherwise when he heard about Sheikh Abdullah's meeting in New York with Noel-Baker on February 7. Given his close relationship with the Sheikh, Nehru was compelled to confront, what appeared to be, outright British chicanery firsthand. The British minister bluntly told the Sheikh that he simply did not believe the Indian charge that Pakistan had assisted the raiders, and that the British government had confirmed from their own sources that the Pakistani authorities were blameless. When Nehru complained about this obvious bias to Attlee, Noel-Baker blandly denied that he had told Abdullah any such thing and virtually accused Abdullah of lying. [Jha, 2003: 152-3].

When, on February 4, according to Nehru's instructions, Ayyangar sought a recess, the UNSC professed outrage since, in their view, the situation remained grave.[Gupta: 162]. Ayyangar was equally irate at this attitude and told the Council that for weeks it had achieved nothing but empty resolutions, and now it was cavilling at a request for a recess. He made it clear that India's patience was at a breaking point. The recess was granted and in this period some sense of proportion returned to the UNSC, which now swung decisively against the UN trusteeship idea that could call into question Kashmir's legitimate accession to India.

One reason for this was that despite Noel-Baker's ardent advocacy, not all Security Council members were comfortable with it. The Chinese representative Dr. Tsiang Ting-fu noted on February 10 that "It seems to me that, in all our proposals, it would be well for us to avoid any impression that we are questioning the right of the Indian Army to be in Jammu & Kashmir.... It would be well for us to avoid any impression

that we are questioning the legitimacy, constitutionality, or legality of any steps which have been taken so far by the Government of India in handling this matter."

US thinking, shaped by Secretary of State George C. Marshall, also began to draw the line beyond which it felt it would be imprudent to venture. He telegraphed Austin on February 20, expressing "grave doubts" about the British plan. For one thing, he felt that India was unlikely to agree to what was tantamount to a virtual UN Trusteeship of Kashmir and correctly pointed out that the kinds of measures being pushed by the British ruled out the possibility of a compromise that would be acceptable not just to Pakistan, but India. He also observed that the British proposals did not put enough emphasis on the stoppage of the fighting and of the need to persuade Pakistan to stop aiding the tribal invaders, and that the communal aspects of the proposal should be dropped. [Jain vol.1: 13].

The American view, as indicated in a note to the US Embassy in India on February 25 was the need for a ceasefire and truce under UN auspices; efforts by Pakistan to stop the invaders and material help to them; the thinning of Indian forces to a minimum thereafter; followed by a broadening of the interim administration with representatives of all parties and assistance to the UN in conducting the plebiscite. [Jain vol.1: 14] The key difference in the position was that while the British plan denied the legality of accession, the US accepted it. As the record of a conversation of February 27, 1948 between British and American officials revealed:

> *The US representatives pointed out that they were disturbed by the possibly far-reaching implications of a Security Council Resolution recommending the use of foreign troops from one party to a dispute in the territory of another party to the dispute... The British representatives at first attempted to minimise such an analogy by asserting that Kashmir was the 'territory in dispute.' The US representatives agreed that Kashmir was a state about which a dispute had arisen between*





> *India and Pakistan, but stated that they found it difficult to deny the legal validity of Kashmir's accession to India. In the end, the British representatives agreed with the US point of view that we had to proceed on the assumption, for the time being at any rate, India had legal jurisdiction over Kashmir.* [Dasgupta: 121].

But the US did not want to put forward their plan in competition with the British, and in the ensuing months, the US and UK worked at reducing their differences, even while heavy fighting continued in the State. One thing was clear from both plans – the idea of condemning Pakistani aggression was no longer on the table. What was, instead, were proposals on how Pakistan and the raiders could be accommodated by Indian concessions so as to persuade them to withdraw. The answer, as the British and Americans saw it, was in the fairness of the plebiscite, and considerable effort was expended in working out ways and means of ensuring this.

Early enough, Pakistan realised that the US was the key power and that the way to American hearts was by posturing as anti-Communists. Jinnah, in Karachi and Zafarullah Khan, in New York, sought to woo US officials by declaring their support for the US alliance against Communism. The tenor of the Pakistani approach is brought out by an American report of a conversation in New York, between Khan and Warren Austin. The Pakistani diplomat told his American counterpart that if the Pakistanis were done out of Kashmir, their feeling of resentment could be exploited by the Soviet Union. Just to make sure, he added that if the Pakistanis were deprived of Kashmir by an unfair plebiscite, they would not fight the Soviets, and India would be defenceless, if and when, the Russians crossed the Khyber into Kashmir.

An even more ingenuous effort was made in February 1948 by passing on to the US military attaché in Karachi information of a purported top-level military discussion in Pakistan that had decided that in the event of a new world

war. Pakistan would be "part of the Anglo-American bloc" and that Pakistan ought to seek military aid from the US towards preparing itself for that eventuality.

However, the impact of Marshall's low-key and hard-headed posture did not make a significant impact since he was also committed to avoiding any open conflict with the British on the situation. The American view also had to contend with the role of Noel-Baker who left no stone unturned to undermine the Indian position on Kashmir.

Noel-Baker's mendacity is brought out by Dasgupta's account of the British Cabinet's first full-fledged discussion on the Kashmir issue in London on February 27, 1948. Noel-Baker pressed his plan for a UN takeover of the State on the sceptical cabinet by claiming that it was actually an "American plan"! Despite this the Cabinet felt it was unworkable, with one of the members arguing, correctly, that many of the proposals were tantamount to imposing terms "on a defeated country."

After some discussion, they came up with a new plan which was actually more like the actual American thinking on the issue. It sought to:

- Get Pakistan to secure the withdrawal of the raiders from the State and end all support to them;
- After the end of the fighting, persuade India to withdraw from Poonch, Mirpur and Muzaffarabad and concentrate its forces in garrisons.
- Broadbase the interim Abdullah government by getting people of other political hues into its team.
- Get the UNCIP to establish links with this interim government through liaison officers.
- Have this interim government provide the UNCIP all the powers and personnel for holding the plebiscite.





- Set up an advisory council comprising Indian and Pakistani nominees to advise the UNCIP. [Dasgupta: 124].

When the debate resumed on March 10, Ayyangar told the Council that while the urgency in stopping the fighting remained, India was prepared to discuss steps to have the cross-section of opinion represented in Sheikh Abdullah's interim administration and to take all steps to ensure that the armed forces would in no way interfere with the plebiscite. As for the plebiscite itself, New Delhi was for an independent machinery, subject to the sovereignty of the State and its relations with the Indian Union. The Pakistani delegate Sir Zafrullah, no doubt encouraged by Noel-Baker, rejected any scheme that would have Indian forces remain in the Valley and wanted all the plebiscite authority to be handed to the UN. [Gupta: 164-5].

That Noel-Baker, too, was at work as became evident from what transpired when discussion resumed in the Security Council over a new draft Chinese plan presented on March 18 which recognised India's complaint by calling on Pakistan to withdraw the raiders, followed by a fair plebiscite conducted by India. The plan accepted the legality of accession and the only place it envisaged for the UN, was in running the plebiscite administration. The Americans were broadly supportive of this, but wanted some modifications that would strengthen the UN's authority. The draft contained elements of the British cabinet suggestions and, as Dasgupta noted, it should have been easy for Noel-Baker to have agreed to it with some amendments. But instead he continued to push his own line in the informal Security Council meetings where the draft was being finalised, including the demand that the Abdullah administration be replaced. The extent to which Noel-Baker was still at work in now hijacking official British official policy is evident from British Prime Minister Attlee's exasperated telegram noting:

*I am disturbed as to the extent to which the President's [of the UNSC] draft of March 18 has been amended. It appears to me that while India has made a very considerable advance, Pakistan has remained obdurate. Yet the last amended draft makes even more extensive demands on India* [cited in Dasgupta: 128].

He also told Noel-Baker that the British Cabinet had not authorised him to push for additional provisions seeking the introduction of Pakistani troops into Kashmir, or that of setting up parallel courts in Kashmir, which was certain to be strongly resisted by India. Nor, went on Attlee, had the Cabinet endorsed the general subordination of Indian troops to the plebiscite authority, except for those directly involved in the conduct of the plebiscite. He added, "I am not therefore prepared for you to support the amended proposals of the President (of the Security Council), to which I hope you have not committed yourself in any way."

Cornered, Noel-Baker resorted to old-fashioned tactics of lying. He wrote back to Attlee that the new provisions were backed by the Chinese representative and supported by the US, and that even India was likely to back them ! Attlee had to now bluntly rebuke him for his anti-Indian bias:

*From statements made to me it would appear that the Indian Delegation have expressed to their Government concern at the extent to which you seem to be supporting these increased demands on India....*

*It seems to me that you give a very wide interpretation to the heads of agreement when it is a question of pressing increased demands on India...*

*It appears to me... that all the concessions are being asked from India while Pakistan concedes little or nothing. The attitude still seems to be that it is India which is at fault, whereas the complaint was rightly lodged against Pakistan.* [cited in Dasgupta: 129].





The only argument left to Noel-Baker was that it was not possible for Britain to back off at this late stage and so Attlee went along with this. But he made it clear that Britain would not support the idea of Pakistani troops entering Kashmir without Indian consent, and that the J&K State Forces should be subordinated to the plebiscite administration only for the purposes of the plebiscite.

## The April Resolution

Since the end of January, various draft resolutions had been moved, each trying to get the two parties to agree. Finally after about a month's discussion, the Council took up another draft resolution, sponsored jointly by the US, UK, China, Canada, Belgium and Colombia which met with approval. This resolution was adopted finally on April 21, 1948 and in a sense was the first resolution that sought to provide an overall settlement of the problem.

To start with, it increased the membership of the UNCIP to five and once again pressed it to 'proceed at once' to the region and offer its services to India and Pakistan to aid the restoration of law and order and the holding of a plebiscite. [The following section is from Lakhanpal: 137-141].

The second part put forward recommendations for an overall settlement of the dispute:

Part A 1 under the rubric of "Restoration of peace and order" – something India had been stressing from the outset – were the main obligations that called on Pakistan "to use its best endeavours" to obtain the withdrawal "of tribesmen and Pakistani nationals... who have entered the State for the purpose of fighting, and to prevent any intrusion into the State by such elements" and to ensure that no material aid reached such elements through Pakistan.

Then, in Part A 2 were spelt out the Indian obligations: *When it was established that the tribesmen were withdrawing, and that "arrangements for the cessation of fighting have become effective,"*

India had to consult the Commission and put into operation "a plan for withdrawing their own forces from Jammu & Kashmir" to the minimum extent required to maintain civilian power and the maintenance of law and order in the State.

These would be located within the State, but, as per UNCIP guidelines, in a manner, and in places, where they would not appear intimidating. In fact the resolution spelt out that only a small number of troops would be in the forward areas and the rest would be relocated to base areas. India had to also agree that till the Plebiscite Administrator took charge of them, the State Forces had to be held in pre-designated areas. People were to be recruited in each district to re-establish law and order and protect the minorities. If these local forces were not adequate, the UNCIP could, with the agreement of both governments, commandeer Indian or Pakistani forces to assist in the pacification.

Section B of the resolution dealt with the Plebiscite. Here again, the onus was on India to ensure that the State Government invited major political parties "to share equitably and fully" in the administration at the ministerial level, in other words set up a coalition government. The Government of India had to undertake to establish a "Plebiscite Administration to hold the plebiscite as soon as possible on the question of the accession of the State to India or Pakistan." It had to ensure that the state government devolved all necessary powers to this plebiscite administration. Finally, the GOI had to agree that a nominee of the UN Secretary-General would be appointed Plebiscite Administrator.

Coming as it did after several months of wrangling and behind-the-scenes manoeuvres, and sponsored by six of the eleven members of the UNSC, this resolution had strong backing. So demanding were the requirements that the Chinese representative, Dr. Tsiang, who was President of the Security Council at the time noted that during recent decades, a number of plebiscites had been held in various parts of the world and that he was not aware of any previous plebiscite where the





safeguards for freedom and impartiality had been so numerous and strict. [Blinkenberg: 105].

Despite this, Pakistan rejected the resolutions. They were unhappy with what they now saw as a tendency in the Council to retreat from its previous "fair" and "impartial" positions. In a letter of April 30, 1948 Pakistan's Foreign Minister declared "the measures indicated in the resolution are not adequate to ensure a free and impartial plebiscite" and so the resolutions were "not acceptable to the Pakistan Government." Pakistan wanted its forces to be stationed in the Muslim areas of the State (the Noel-Baker proposal) and equal representation of the Muslim Conference and the Azad Kashmir government in the interim administration. This would have meant that the Abdullah government would have been in a minority. [Lakhanpal: 141-2].

India's objections were contained in a letter of May 7, 1948: First, New Delhi charged, the resolutions tended to equate India and Pakistan. Second, Pakistan's obligations had been spelt out in a vague and indefinite manner. Third, they did not take into account the legal accession of J&K to India. Earlier in the debate, Ayyangar had pointed out "that the accession was a legal and binding act that would not lapse till India found that the result of the plebiscite was in Pakistan's favour." Fourth, India argued, a coalition government in the state was a recipe for paralysis of the State government. Fifth, they did not adequately take into account India's obligation to defend the State from external aggression; and sixth, they gave the Plebiscite Administrator too many powers, such as the right to deal directly with Pakistan. [Gupta: 169].

India's fears were heightened later when the mischievous Noel-Baker clarified on behalf of the sponsors that "forward areas" in Part A 2c(ii)&(iii) meant troops closest to the area of fighting and "base areas" would be outside the State itself, something that would have put India at grave disadvantage given the proximity of Pakistani bases to the State and the much more physically and geographically distant Indian ones.

## The Global Situation

The manner in which the world body handled the J&K situation cannot be seen without a reference to the world situation at the time. The Cold War had been underway since early 1947, when President Truman declared his intention of contesting Communism across the globe. In mid-1947, he approved military aid to Turkey and Greece and plans to assist Western Europe to recover. The US also passed a National Security Act in July 1947, establishing the Central Intelligence Agency and the modern Department of Defence. Besides J&K, the UN itself was taken up with the issues of Indonesia, the civil war in Greece, the Palestinian question, the issue of British troops in Egypt and Korea—some as products of the Cold War, and others arising out of the need for decolonisation.

Just how the Cold War impacted on the situation can be seen from the story of Josef Korbel, the Indian nominee to the UNCIP. Korbel had fled the Nazis from Czechoslovakia and joined Dr. Edvard Benes' government-in-exile in London. After the Second World War he became ambassador to Yugoslavia. However, on February 24, 1948, Benes was overthrown by a Communist coup, and on March 10, Jan Masaryk, the Foreign Minister died from an alleged fall from his office in Prague. Korbel returned to Prague for the funeral and was offered a job in the UNCIP by the Communist Deputy Foreign Minister, Vladimir Clementis. Desperate to leave Czechoslovakia, he accepted. He was with the UNCIP through its most active phase, till mid-1948, as its chairman, and was dismissed only on December 6, 1948. By this time he had applied for, and been given, political asylum in the US.

His experiences with communism served to colour his view of India, and more particularly Kashmir. For him the programme of the National Conference, its emphasis on land reform and its expropriation from the land-owning class was not very different from the Communist rhetoric at home. That





Nehru was an unabashed admirer of the Soviet Union, too, could not have been too comfortable a thought for him.

In February 1948, tensions between the US and the Soviet Union began to mount and the latter began to jam broadcasts of the Voice of America. In April, President Truman announced the Marshall Plan that committed $5 billion to the reconstruction of Western Europe. Things were hotting up in Palestine. Arab-Jewish clashes in Jerusalem, culminated in the Deir Yasin massacre of the Palestinians on April 9, 1948. On May 14, Israel was declared an independent state and this was followed by a war against the Jewish state by a coalition comprising Egypt, Jordan, Lebanon, Syria, Iraq and Saudi Arabia. In June that year, the communist insurgency was launched in Malaya leading to the declaration of a state of emergency there. And in the same month the Berlin blockade began, with the Soviets refusing access to the city from West Germany. The following month, July 1948, President Truman announced the commencement of a peacetime draft in the US and in August, yet another step was taken with the US recognition of the government of South Korea.

## The UNCIP at Work

The April 21, 1948 resolution had also increased the membership of the UNCIP to five and once again asked it to proceed immediately to the region to help restore peace. At this stage, the UN was still acting on the basis of information provided by the two parties and by the reports of diplomats posted in the region, along with the generous spin that was being given by Noel-Baker and the Commonwealth Relations Office in London.

Though it had been set up in January, the UNCIP had not begun its work. Even the April 21 resolution did not persuade the commission to move to the region. It began moving only in June, after it got another push by a fourth

resolution of June 3 calling on the UNCIP to quickly proceed without delay to the affected area. Just how serious the UN was about getting a first-hand account of what was happening was evident even at this stage when the UNCIP now proceeded to spend several weeks in salubrious Switzerland to no good purpose, en route to South Asia.

The UNCIP's work was spelt out by the UN resolutions of January 20, April 21 and June 3. The first outlined its job as being to investigate the facts relating to Article 34 of the Charter (that the UNSC could investigate any dispute and determine whether it may endanger international peace and security), as well as to carry out the UNSC's instructions. The April 21 resolution required it to proceed to the region and offer its mediatory services to India and Pakistan so that peace could be restored, and a plebiscite conducted in cooperation with the two governments.

The June 3 resolution had an additional kick aimed at India, undoubtedly courtesy Noel-Baker. Besides calling on the UNCIP to get going, it directed the commission to study and report on the matters raised by Pakistan in the January 15 letter—the complaint on India's annexation of Junagadh, that of genocide against Muslims and violation of India-Pakistan agreements. Nehru vehemently protested, but to no avail. [Lakhanpal: 143-5].

As the UNCIP slowly moved to the subcontinent, the Pakistanis realised that they would have to admit that their forces were indeed operating in Kashmir. On July 7, 1948, after a three-hour discourse in which he presented the Pakistani point of view, Sir Zafarullah Khan admitted to the UNCIP that three regular Pakistani Brigades had been fighting in Kashmir territory since May 1948.

Asked whether this fact had been communicated to the UN Security Council, as required by the first UN resolution, the Pakistanis blandly said no, this had not been done since since they had been expecting the UNCIP's arrival any day, and felt that it would be best to wait.





Despite this "bombshell" as Korbel termed it, the UNCIP chose not to act. It merely recorded the statement. [Korbel: 121] Neither did it convey the information immediately to the UN Security Council, nor to India, and it most certainly did not censure Pakistan. This was more serious than it seemed because according to the first UN resolution, Pakistan was duty bound to inform the UNSC of any "material change" in the situation, and it had patently failed to do so. India, of course, had known that Pakistani involvement went back to the very beginning of the invasion. It was also aware, through interrogating prisoners that, since March or April, three Pakistani brigades were now openly operating in Kashmir. In New Delhi the Commission faced Indian indignation as Sir Girja Shankar Bajpai, Secretary-General of the Ministry of External Affairs and Commonwealth Relations, informed them that a major change had occurred since the UN's first January resolution: Pakistani regulars had now become involved in the fighting in Kashmir. He told them that the Indian side now wanted a clear-cut condemnation of the Pakistani actions. As Korbel noted, "The Commission was now to face the already well-known aspect of the Kashmir problem: India's insistence that Pakistan be branded as aggressor...." [Korbel, p.124].

But nothing happened. Instead of reacting strongly to the second Pakistani aggression, this time openly by its forces, New Delhi chose to remain silent. This was, as Jha points out, "India's second biggest blunder in Kashmir," [Jha 2003: 167] the first, of course, was of complaining to the UN Security Council, instead of dealing with Pakistani aggression on its own terms.

Besides the Pakistani 'bombshell' there were other things that the UNCIP soon learnt. First, that there was little chance for creating a coalition government in J&K as envisaged by the April 21 resolution. Second, that conducting a plebiscite in the sprawling and mountainous region of Kashmir would be, in Korbel's words, "beyond the scope of reality."

## The UNCIP's August 1948 Resolution

In the face of the mild Indian reaction, the UNCIP proceeded on the basis of the April 21 resolution, and came up with its own resolution of August 13, 1948 which sought to operationalise the UNSC resolution calling for plebiscite. This has been described by Blinkenberg as perhaps the "the most important of all the Security Council's resolutions in the matter and the only one (together with the one of January 5, 1949) worked out by a representative Commission after a prolonged visit to the area in dispute." [Blinkenberg vol I: 109].

Because of the changed ground situation, and that the movement of Pakistani troops into Kashmir was "a violation of international law," which the UNCIP could not really ignore, the resolution was different in its approach. [Korbel: 140].

Part I of the three-part resolution called for a cease-fire, the Part II, a truce agreement, followed by Part III detailing the terms and conditions of a plebiscite. [For the text see Lakhanpal: 152-154]. The ceasefire agreement was quite straightforward calling on both sides to get all "forces under their control", viz. organised and unorganised "fighting or participating" in hostilities to cease fire.

Part II section A, dealt with the withdrawal of Pakistani forces and irregulars. The first paragraph noted that "as the troops of Pakistan in the territory of the State of Jammu & Kashmir constituted a material change in the situation" the Government of Pakistan "agrees to withdraw its troops from that State." This according to Korbel, "was the slap on the wrist the Commission delivered to Pakistan." [Korbel: 141].

The second para used the language of the April 21 resolution that committed Pakistan to "use its best endeavour to secure the withdrawal" of the tribesmen and irregular forces. The territory evacuated by these elements would be administered by local authorities, under the surveillance of the Commission.

Part II Section B, dealt with the Indian obligations which only came into effect once the tribesmen and irregulars *had*





*withdrawn*, and presumably, the situation of the original complaint had been terminated.

As for Indian forces, when it was clear that the "Pakistani forces *are* being withdrawn" the Government of India would "begin to withdraw *the bulk* of its forces... in stages agreed upon with the Commission." The Indian side would be allowed to maintain "within the lines existing at the moment of ceasefire" the minimum strength of its forces which "in agreement with the Commission" are necessary to assist local authorities to maintain law and order. India also had to ensure that the Kashmir government would take all measures to maintain law and order and guarantee human and political rights.

Part III of the resolution dealt with plebiscite. Actually the word 'plebiscite' itself was not mentioned. All that the resolution said was that after Parts I and II of the resolution were implemented, and both India and Pakistan had reaffirmed their wish that the future status of Jammu & Kashmir shall be determined in accordance with the will of the people, and to that end, "they would enter into consultations" with the Commission.

The resolutions were presented to both sides by the UNCIP representatives in Karachi and New Delhi. Given its unhappiness with the unbalanced April 21 resolution, India was quite satisfied with the August 13 UNCIP formulation. The latter recognised that the central issue was a ceasefire followed by a withdrawal of the raiders and Pakistani forces. Even the word 'plebiscite' was not mentioned here, all that the resolution spoke of was the need to determine the status of Kashmir in accordance with the wishes of its people, though all the sides were clear that plebiscite was the method being spoken about. One reason for this is that by this time the Commission was also mooting the subject of partition of the State, for which it found agreement in India, but vehement rejection by Pakistan. [Blinkenberg: vol.I: 108-9].

According to Gupta, the resolution was quite different from the April 21 resolution primarily because "it did not

place India and Pakistan at par in the matter of Kashmir and accepted the sovereign rights of the State of Jammu & Kashmir." [Gupta: 180].

But before formally accepting it, on August 20, 1948, Prime Minister Nehru wrote to the UNCIP seeking further clarifications on the resolution. He asked the Korbel to confirm that the resolutions would not be interpreted "To bring into question the sovereignty of the Jammu & Kashmir Government over the portion of their territory evacuated by Pakistan troops." Nehru went on to add in Part 4 of his letter:

> *In fact you made it clear that the Commission was not competent to recognise the sovereignty of any authority over the evacuated areas other than that of the Jammu & Kashmir Government....*
>
> *[That] the strength of Indian forces to be retained in the State, are matters for settlement between the Commission and the Government of India....*
>
> *[That] Part III of the resolution (calling for plebiscite) does not in any way recognise the right of Pakistan to have any part in a plebiscite.* [Lakhanpal:154-6].

Korbel's reply of August 25 stated that the Commission's "interpretation of the resolution as expressed in paragraph 4 of your letter coincides with its own interpretation...." He further noted that the term "evacuated territory" referred to those territories of the State of J&K "which are at present under the effective control of the Pakistan High Command." [Lakhanpal: 157]. On the day that it received the clarifications, India accepted the resolutions. The exchange between Korbel and Nehru is the clearest indicator of the difference with which the UN viewed India and Pakistan's status in Kashmir.

Predictably, Pakistan did not accept this resolution. Considering the free ride it had had on the UN, courtesy Noel-





Baker, this is not surprising. But it did not reject the resolutions outright, but as Korbel noted, "attached so many reservations, qualifications and assumptions that the Commission had to consider its answers as 'tantamount to rejection'." [Korbel: 144]. On August 19, it came up with a list of objections so extensive that the Commission could not fulfil them. Foremost among its requirements were that India accept the stringent provisions of the April 21 resolution. Later in a letter of September 6, it wanted 'Azad Kashmir' to be recognised as an entity in any future dispensation, even while stating that it could not speak for the Azad Kashmir government, which would have to issue its own ceasefire order. It demanded a synchronised withdrawal of Indian and Pakistani forces and wanted the UNCIP to ensure that the Azad forces were not disbanded. Equally difficult was its demand that it be treated as an equal in the conduct of the plebiscite.

So did Pakistan actually reject the August 13, 1948 resolution? Let the UNCIP's September 19 response, made after considering the Pakistani objections of August 19 and September 6, speak for itself :

> *The Commission observes with regret that the Government of Pakistan has been unable to accept the resolution without attaching certain conditions beyond the compass of this resolution, thereby making impossible an immediate ceasefire and the beginning of fruitful negotiations between the two governments and the commission to bring about a peaceful and final settlement of the situation.* [Gupta: 185].

Having looked at the record and the Indian and Pakistani statements, Blinkenberg feels that Pakistan's apparent miscalculation "seems mainly responsible for the deadlock which was soon brought about." He finds himself in agreement with Russell Brines, who has stated, "India has good reason to claim that Pakistan is responsible for making the plebiscite unacceptable in New Delhi."[Blinkenberg vol I: 112].



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Another reason for the *de facto* Pakistani rejection of the resolution soon became clear when it was followed by an intensification of its military operations. Having openly acknowledged that its forces were operating in the State, and having received a mere slap on the wrist, Pakistan was now emboldened to expand its operations. A new offensive was begun in the northern areas that advanced deep into Baltistan and Ladakh, hundreds of kilometres to the east, while the so-called Azad Kashmir forces, which were, as per the resolution, to be disbanded, were, in fact, expanded and consolidated into, what the UNCIP Military Adviser described, as a "formidable force".

India was compelled to launch its own counter-offensives, first to secure the Ladakh region by a dramatic armoured operation that broke through the Zoji La pass to link Srinagar with Leh. A second, to lift the siege of Poonch and consolidate Indian control of the Rajauri-Poonch-Mendhar area.

## Endgame

However, Indian plans for moving further in this area were foiled by the British officials serving both armies, who coordinated a carefully orchestrated conspiracy to prevent any Indian movement towards Mirpur, Kotli and Muzaffarabad. The aim was to ensure some sort of a cushion to the Pakistani heartland which would have become vulnerable had India recovered the area of what today constitutes 'Azad' Kashmir. British motives went beyond ensuring that the conflict does not spill over, they were linked to their interests in the MiddleEast and the Islamic world where they saw a role for a friendly Pakistan.

Dasgupta has detailed how this skullduggery was played out. In September 1948, afraid that after the liberation of Hyderabad, Indian forces would be in a position to launch an offensive against Pakistan, Sir Roy Bucher, the Commander-in-Chief of the Indian Army sent a secret telegram to London



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through the UK High Commission in Delhi urging the British government to get the UN to order a ceasefire. [Dasgupta:167].

Simultaneously, Pakistan and the pro-Pakistan elements of the British government like Noel-Baker and Arabophile Foreign Secretary Ernest Bevin, refined and added their bit to the strategy. As part of this, Pakistan now made a formal overture to Britain, offering it an alliance to fight communism. This was done, significantly, through an informal offer made to Noel-Baker followed up by talks between British Prime Minister Attlee and Liaquat Ali Khan during the Common-wealth Prime Ministers' meeting in London in October 1948. At this conference there was a meeting between Liaquat and Nehru to discuss possible ways of resolving the Kashmir issue, but not much came out of it. Noel-Baker and Bevin also told Liaquat that the only option on Kashmir now was a fresh UN Security Council decision that could undo the "harsh" UNCIP resolution. For this, of course, they had to get US support.

So Liaquat journeyed to Paris and met Secretary of State Marshall at the sidelines of the UN General Assembly session on October 28, 1948. Despite substantial hard-sell – including the usual spiel about Pakistan's commitment to anti Communism, and its key role as a large Middle Eastern nation – Marshall did not bite. He took the view that Pakistan could best help stability in the world, by peacefully resolving its problems with its neighbour. [Venkataramani: 59-60].

Before leaving for the Commonwealth conference, Nehru had asked Bucher to prepare an assessment of a possible Indian offensive to clear Pakistani forces and irregulars from Azad Kashmir. In Bucher's appraisal, undoubtedly tailored to serve British interests, was that India lacked the forces to achieve this objective in the near future and the situation had now become a stalemate. At the same time Bucher kept the British High Commissioner current with Indian war plans, which were, in turn, communicated to British officers heading the Pakistan Army, and presumably to London.

As a result of this, Pakistan was able to redeploy forces from Punjab to the Azad Kashmir area and prevent further Indian gains. Dasgupta also details an elaborate negotiation through which the British High Commissioners in Karachi and New Delhi, in concert with the British commanders of the Indian and Pakistani forces succeeded in preventing the Indian Air Force from interdicting Pakistani air supply missions to their forces in Gilgit. [Dasgupta: 171-6].

The British and the Pakistanis now realised that there was now an urgent need for a ceasefire. The Pakistani desperation to prevent further Indian advances were relayed to the British, who in turn put a great deal of pressure on India. With the end of the Hyderabad operation, India had freed substantial forces for operations against Pakistan. Each passing day brought India's advantages to the fore and increased the pressure against the Pakistani forces, especially those in the line of Muzaffarabad-Mirpur. In operations in this area, Indian forces advanced steadily beginning mid-October, and by November 20 had raised the siege of Poonch and were poised to recapture Kotli.

British officials now redoubled, their efforts to protect Pakistani interests. In a visit to Karachi, Bucher met his Pakistani counterpart and assured him that he would not allow any attack on Mirpur, Kotli or Bhimber and that towns like Muzaffarabad and Domel would not be bombed. To that end, he told them, he had insisted on, and obtained, the withdrawal of an Indian Air Force squadron from Jammu.

By now, Indian generals like K.C. Cariappa, who headed the Western command, had become suspicious of their British superiors and were planning operations without keeping them in the loop. No doubt Nehru and the Cabinet were also made aware of this. So finally, on December 5, 1948, the Government of India announced that Cariappa would take over as Commander-in-Chief from Bucher as of January 15, 1949. This was an alarming development for Pakistan since it would remove the restraint that Bucher had imposed on the Indian



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Army. In addition, the British, and by extension the Pakistanis, would then no longer have a source at the heart of the Indian military, keeping them abreast with Indian war plans.

Bevin and Noel-Baker now cranked up efforts for a fresh Security Council directive to effectively undermine the UNCIP's August 13 resolution. Its basic form was worked out at a ministerial meeting in early November, would call for a ceasefire, followed by the appointment of a mediator who would talk to the two governments. For the purpose of reconciling this new element, it was felt that this could be by expanding the role of the plebiscite administrator, spoken of in the April resolution.

But the main emphasis was on an immediate and unconditional ceasefire. This was broached twice to the Americans by the British and rejected both times. On November 10, 1948, the British put up a proposal to Marshall in Paris where the General Assembly session was taking place. Marshall said that there was no need for this since the winter would prevent major fighting anyway. He also pointed out that a simple ceasefire that left Pakistani forces in Kashmir would not be acceptable to India.

On November 20, 1948, the British representative in the UN, again sought US assistance in bringing a Security Council resolution for an immediate ceasefire. Marshall again demurred, even after the British produced a telegram from their High Commissioner in Pakistan, claiming that an Indian offensive would compel the Pakistanis to turn to the Russians. That the Americans were not impressed becomes clear from a cable sent on November 23, to Marshall, who had now returned to Washington, by John Foster Dulles, Acting Chairman of the US delegation in Paris:

> *Present UK approach (to the) Kashmir problem appears extremely pro G(overnment) o(f) P(akistan) as against (the) middle ground we have sought to follow.*[Dasgupta:193-195].

## Ceasefire

Pakistan's friends now sought to provide some way out of the problem. So the UNCIP was pressured to work on refining the August 13 resolution with a view of giving assurances to Pakistan on the issue of plebiscite. The resolution would now explicitly state 1) that the question of the accession of the State would be decided by a plebiscite, 2) that the plebiscite would take place only after Parts I and II of the August 13 resolution had been carried out, 3) the Plebiscite Administrator would be nominated by the UN Secretary-General, though he would be formally appointed by the State government, 4) after peace had been restored and Parts I and II implemented, he would consult with the Commission, the Indian and the local government, on ways and means of conducting a free and fair plebiscite. But the UNCIP did assure India that the Plebiscite Administrator would not interfere with the normal administration, and that there would be large-scale disarming, not mere disbanding, of the Azad Kashmir forces.

India sought and obtained a number of other clarifications and assurances from the UNCIP. On December 21 and 22, members of the Commission, Dr. Lozano and Mr. Colban met Prime Minister Nehru who was accompanied by Ayyangar and Bajpai. The Prime Minister made it clear to the UNCIP representatives that no action should be taken on the plebiscite proposals till Pakistan implemented Parts I and II of the August 13 resolution. And that in the event that Pakistan did not accept this, or fail to implement these, "the Government of India's acceptance of them should not be regarded as in any way binding upon them." India also sought and got assurances that the proposed Plebiscite Administrator would not usurp the functions of the State.

Nehru also drew the attention of the commissioners to another issue—the thousands of well-trained Azad Kashmir forces. By this time, the 35-battalion strong Azad Kashmir forces





trained, equipped and officered by Pakistani regulars, had changed their character from a rag-tag militia to a regular army. Given the geography of the State, Azad Kashmir forces could drive from Muzaffarabad to Srinagar in a day on the all-weather road that the raiders had used in October 1947.

It had been a touch-and-go affair then when just 7-8,000 raiders had nearly captured the Valley, it would be difficult now, if not impossible, to stop the Azad forces if they decided to break the ceasefire. Nehru pointed out that their presence, even after demobilisation would be a serious threat. Indian reinforcements, presumably from bases outside the State, could be sent only by air, or through a difficult land-link open only in summer. The J&K State Forces that had numbered some 8,000 before the conflict were now in tatters, having faced the brunt of the Pakistani offensive and would be in no position to make a difference.

Dr. Lozano made it clear:

> *that it was the Commission's intention that there should be large-scale disarming of these forces, though it would not be possible to require withdrawal from these territories, of genuine inhabitants of the area.* [Lakhanpal:162].

At the following meeting on December 22, Lozano clarified that "What the commission had in mind was the disbanding of these forces, disarming, it was assumed would follow. The Prime Minister (Nehru) pointed out that disbandment was not the same thing as disarming..." He went on to point out how the presence of a large number of armed persons could affect the fair conduct of a plebiscite. At this point, Dr. Lozano clarified that "the phrase 'large-scale disarming' should be regarded as correctly interpreting the Commission's intentions." There was considerable discussion on the subject of appointing a Plebiscite Administrator. The UNCIP wanted to announce one right at the outset, but Nehru



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said that would be premature and anyway, till the Parts I and II of the resolution were implemented, there was little that the person would do. [Lakhanpal: 164-6.].

By December 23 India indicated its acceptance of the proposed resolution, even though it still had reservations about Pakistan carrying out the obligations of the August 13 resolution. One important reason that India accepted was that she felt she had received iron-clad assurances that there would be large-scale disarming of the Azad Kashmir forces.

This as we will see was to prove a major stumbling block later. As Blinkenberg points out, that while the August 13 and the subsequent January 5, 1949 resolutions did constitute an international agreement as such, there were enough loopholes in their wording for the two sides to interpret them the way they chose. [Blinkenberg vol I: 114].

By December 25 the UNCIP received a go-ahead from Pakistan as well. On December 30, India conveyed to Pakistan its decision to ceasefire at midnight December 31, 1948. Pakistan accepted this and so guns fell silent on the morning of January 1, 1949.

## The January 1949 Resolution

Unlike the earlier resolutions, the UNCIP first gained the assent of both sides and then moved the new resolution after the ceasefire on January 5, 1949. [Lakhanpal: 158-160].

Clause I of the new resolution clarified that the issue of determining the accession of the State of Jammu & Kashmir will be determined "through the democratic method of a free and impartial plebiscite."

Clause 2 made the important caveat: Plebiscite would be held only *after* the ceasefire and truce agreements in Parts I and II of the August 13 resolution had been implemented. In other words, all regular and irregular forces controlled by Pakistan had vacated the state.

According to Clause 3(a), the UN Secretary-General





would nominate a Plebiscite Administrator. Underscoring the decision to keep Pakistan out of the plebiscite process, the resolution noted that this administrator would" be formally appointed to office by the Government of Jammu & Kashmir."

And Clause 3 (b) declared that he would derive his powers for conducting the plebiscite from that government.

Clause 4(a) declared that only "after the implementation of Parts I and II of the Commission's resolution of August 13 1948" would the Commission and the Plebiscite Administrator, decide on the disposition of Indian and State forces, in consultations with the Government of India.

While Clause 4 (b) made it clear that in the case of the so-called Azad Kashmir forces, this would be done by the Commission and Plebiscite Administrator and local authorities, not the Government of Pakistan.

## How Pakistan Undermined the Plebiscite.

From this point onwards, the going was downhill. The ceasefire beginning January 1, 1949 remained the only success of the UNCIP. After it came into effect, the Commission returned to India to discuss the issue of the withdrawal of forces. And this was the rock on which the whole plebiscite foundered. As it will be seen, the responsibility for this lay four-square with Pakistan.

It now deliberately chose to read the August 13 and January 5 resolutions as being designed to establish a military balance on either side. To this end, while it was willing to withdraw its forces from Kashmir, it remained unwilling to disband and disarm the 35-battalion strong Azad Kashmir forces— that were trained, officered and equipped by Pakistan— unless this was synchronised with Indian withdrawals. Indeed in one memorandum, they declared that the disbandment or withdrawal of the Azad forces should occur only after the bulk of Indian forces had thinned out. The issue of the Azad Kashmir forces had preoccupied the Commission



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as well as India for some time. In its response to the August 13 resolution, Pakistan had indicated that it wanted Azad Kashmir to be seen as a separate party in any settlement and did not want the disbandment and disarming of its forces.

The subject as we pointed out earlier, was discussed at meetings on December 21 and 22, 1948, between Prime Minister Nehru and the UNCIP commissioners. After discussion, Dr. Lozano had agreed that 'large-scale disarming' was what the Commission wanted. Yet, this was the issue that finally ensured that the plebiscite did not take place. There was another subject that Prime Minister Nehru had raised relating to the August resolutions. In a letter to Korbel on August 20, 1948, he had asked the commission to look into the subject of managing Gilgit and Baltistan, now called the Northern Areas.

Here, Nehru pointed out, "the authority of the Government of Jammu & Kashmir had not been challenged... except by roving bands of hostiles or in some places like Skardu which have been occupied by irregulars of Pakistan troops." The UNCIP had clarified that the resolution did not relate to that area, so Nehru wanted assurances that the region, with the possible exception of Gilgit, ought to revert to the J&K state after the Pakistani regulars and irregulars pulled out. Korbel's response was that the Commission had not looked at the issue, but it could be taken up "in the implementation of the resolution." [Lakhanpal: 157-8].

On April 28, 1949, the commission placed its proposals before India and Pakistan, laying down a ceasefire line and outlining the scheme of phased withdrawal of Pakistani troops and nationals out of the State in seven weeks. Thereafter Pakistan was to ensure the withdrawal of all the tribesmen and nationals who, "not normally resident", had entered the State for "the purpose of fighting."

Only then would the Government of India "withdraw the bulk of its forces" from the State, in stages suggested by the Commission. This would happen when the tribesmen and Pakistani nationals *had withdrawn*, and Pakistani troops *are being*



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*withdrawn*. As for the Northern Areas, observers would advise the Commission and/or the plebiscite administrator regarding the developments there. If the Commission felt, or was requested by the Government of India that the area required to be defended, the UNCIP "may request the Government of India to post garrisons at specified points." [Lakhanpal: 173-4].

India made it clear through letters on May 18, 1949 and June 17 that this was not acceptable and that the disbanding and disarming of Azad Kashmir forces could not be left "in a state of uncertainty." The Indian withdrawal would only take place when the phased disarming and disbandment of these force was clearly laid out. The Indian side again reiterated that if the large-scale disarming and disbandment of these forces was deemed impracticable, then the second stage of the resolution of January 5 would be deemed to be incomplete.

The second point India made was to again raise the issue of the Northern Areas and insist that the commission accept in principle that the strategic points here were to be garrisoned by Indian forces. Pakistan objected to the whole UNCIP formulation on the Northern Areas and wanted the Indian withdrawal to be synchronised with that of Pakistani forces. [Lakhanpal: 175-6].

The Commission now proposed that an arbitrator deal with this issue and even proposed the name of US Fleet Admiral Chester W. Nimitz. This was a red rag to the Indian bull. The August 13 and January 5 resolutions had carefully steered through the mine-field of competing claims. But they had been clear in that they had studiously refused to provide Pakistan any kind of parity with India. The arbitration proposal threatened to change all that. An arbitrator usually deals with two equals in a dispute, and this was anathema to India. Besides, the arbitrator was also expected to decide on what would be subject to arbitration, a somewhat unusual procedure.

The Indian retort came after what it considered was an unsatisfactory response of the UNCIP to its two principal queries: 1) Whether the arbitration points would be outlined

by the Commission to the arbitrator, or whether the latter would decide on the issue; 2) Whether the Commission would provide the arbitrator its own version of the history of the decision on disarming and disbandment of the Azad Kashmir forces. [Gupta: 194].

The Commission's response was that both sides would give their versions and the arbitrator would then decide on the issues. And second, that the UNCIP was now looking at the issue of disbandment afresh and did not want to open up the past. These were so patently an effort to go back on commitments already made that the Indian side rightly apprehended that this was being done to undermine the balance that had been achieved in the resolutions of August 13 and January 5.

The commission's last report of December 5, 1949 was highly critical of India and summed up the UN's misdirected – efforts unfettered invasion of a neighbour meriting little or no response, while a refusal to accept arbitration for legitimate reasons seen as grounds for severe criticism. The key feature in New Delhi's position, says Sisir Gupta, was that India:

> *was in Kashmir by right and that Pakistan could not aspire to an equal footing; [while] Pakistan considered herself an equal party to the dispute and hence entitled to equal rights and considerations. Out of this fundamental divergence arose the three problems regarding the withdrawal of forces, the Azad forces, and northern areas.* [Gupta: 195].

Indeed, the UNCIP report admitted, with the passage of time, the circumstances in which the original resolutions had been passed had themselves altered: "The situation in the State had changed;" the report noted, but "the Resolutions remain unchanged." Pakistan had now consolidated itself in the territory it had occupied, both Azad Kashmir and the Northern Areas and additional forces that had been raised there had the capacity to alter the military balance. Which, in turn, meant that withdrawal was not a very prudent option for India.





[Gupta: 195-6].

For the first time, the report was not unanimous. The reason was the replacement of Korbel, who had defected to the US, by a new representative from Czechoslovakia. The new delegate Dr. Oldrich Chyle pointed out that the UNCIP was as much responsible for the mess, as the obstinacy of the two governments in question. The principal problem, in his view, was that the August 13 resolution was faulty. Since it had not been possible to verify the ground situation, it should have contained riders on the issue of the Azad forces and Northern Areas.

The Czech delegate also criticised the UNCIP for going beyond its terms of reference by proposing arbitration and noted that the terms of the offer had been disclosed to the governments of the US and UK, even before they had been put before India and Pakistan. The minority report wanted modifications of the August 13 resolution, a new commission comprising all UN Security Council members, and a joint meeting with Indian and Pakistani representatives. The suggestions were not worked on, and even India did not press for changes suggested by Dr. Chyle.[Gupta: 195-8].

## Cold War Calculations

Clearly, the Cold War winds were now blowing over the dispute. Korbel, who had sought and got political asylum in the US by the end of 1948, believed that his successor Dr. Chyle's tactics were classic "Communist disruption". He saw the suggestion of involving the whole UNSC as a means of giving a greater role to Russia. On the other hand, the manner in which the major powers thwarted the strict implementation of the August 13 resolution and sought to assist Pakistan, too suggested that Cold War calculations were not too far from their minds.

While the ceasefire silenced the guns in Jammu & Kashmir, the year 1949 saw India-Pakistan relations locked into



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a hostile mode that have been their feature since. Both sought to augment their military resources through the US and other sources. Other issues, such as that of canal waters and evacuee property consequently proved difficult to resolve. But the most devastating was the Pakistani decision to turn away from trade with India. Till a year after independence, 32 per cent of Pakistani imports came from India which in turn bought 56 per cent of Pakistani exports. In the next few years, Pakistan implemented a policy of shunning everything Indian and seeking alternate trade partners, a trend that persists till today.

There was a new subtext to the remarks of Pakistani officials—that Karachi would never accept India's leading role in the region. Just how assiduous Pakistan was in pursuing its new policy became apparent in mid-1949 when it was announced that Prime Minister Nehru would visit the United States in autumn that year. Pakistani officials immediately obtained an invite for Liaquat Ali Khan from Moscow, and announced it. This visit did not materialise, but it did succeed in getting Liaquat the prized US invitation, for a visit the following year.

The British, of course, were the masters of playing up the Russian threat so as to promote the interests of their protégé, Pakistan. In April 1949, Foreign Secretary Ernest Bevin, who had already played a heroic role in skewing British policy against India, visited the US and held talks with his counterpart, Dean Acheson, who had succeeded Marshall as Secretary of State. Bevin's focus was the need to have leverage over the Islamic world, that included the oil-rich Middle East and Southeast Asia. The key country that could provide this leverage was Pakistan. Being bankrupt, Britain was not up to the task, so would the US help?

This meeting took place shortly after the US embargo on arms sales to the two countries had been lifted on March 29, 1949 and after the British had informed the US that its Commonwealth Relations Office had done away with the policy of informing each of its two Dominions about the arms



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supplies being provided to the other.

Bevin's meeting was wide-ranging in its scope and aimed at developing common ground with the US on dealing with the Arab problem. Britain wanted to provide much greater aid to Pakistan and did not want India to know about this. This became clear in the British request for permission to transfer 50,000 rounds of American Sherman tank ammunition to India and four times that amount, 200,000 rounds to Pakistan. The key paragraph of the British request was :

> *... the existing disparity in military strength between the two Dominions has its own dangers. In particular, His Majesty's government are concerned that Pakistan should not have cause to turn to Soviet sources of supply for her military requirement. There have already been unconfirmed reports that she is buying in Czechoslovakia....* [Venkataramani: 71-2].

Once again, at a critical juncture, the British raised the spectre of the Soviet threat. But even now, as of 1949, the US remained largely neutral, despite assiduous efforts of Pakistani leaders like Finance Minister Ghulam Mohammed and Foreign Minister Zafarullah Khan.

However Washington's world view was being reshaped by larger events. On September 23, 1949, the White House announced that they had evidence that Soviet Union had conducted a nuclear test. The Americans had hoped to retain their nuclear monopoly for another two or three years, but the test of 1949, dramatically altered their perspective of the Soviet Union. Further on, in eastern Asia, the Communist armies had captured Beijing.

For this reason, Washington decided, there was need to court the leader of what was to be the world's most populous democracy, located in South Asia. Coincidentally or otherwise, Nehru began his first visit to Washington on October 5, within days of Mao's declaration of the People's Republic of China on

October 1, 1949. For its part, India was supportive of the US and generally backed the US global initiatives and efforts to override the Soviet vetoes in the UN Security Council.

But the changed American perspective came with another, more compelling event – the Korean war. On June 25, 1950, North Koreans invaded South Korea, two days later President Truman committed US troops. The UN Security Council called for the immediate withdrawal of the invaders and. through a second resolution, made the defence of South Korea a UN operation. Both India and Pakistan supported the UN action.

But the US soon learnt that Nehru and India saw themselves as independent actors and wanted to play the role of peacemakers. Nehru sent identical letters with a proposal to Stalin, Truman and Attlee that the People's Republic of China be given its seat in the UN Security Council, the Soviets return to the Council, a ceasefire be implemented in Korea followed by a return of North Korea to the 38 parallel border. No one paid much heed to the proposal, but it succeeded in annoying the US which had hoped that India would unreservedly back its actions.

A counteroffensive, led by General Douglas MacArthur brought the US troops back to the 38 parallel, but now they proceeded north towards the Sino-Korean border along the Yalu river. To bypass the Soviet veto, the US took the issue to the General Assembly and it adopted a Uniting for Peace resolution on November 3, 1950, with India and Argentina abstaining. Pakistan remained squarely with the US. [Venkataramani: 133].

On November 25, Chinese volunteers entered the war, vindicating Nehru's apprehensions. But a parallel offensive in Vietnam by the Vietminh, forcing the French to withdraw to the Red River delta, only served to deepen the US fears that the world offensive of Communist forces, masterminded by Moscow, was now underway. Faced with what it thought was the next world war, the US posture of neutrality between the two South Asian neighbours began to change. Internal





documents and assessments began to weigh Pakistan's readiness to offer bases and facilities with India's reluctance to come closer to the US.

The shift, according to Venkataramani came with the assassination of Liaquat Ali Khan on October 16, 1951. This event remains a mystery to this day, though, Venkataramani has pointed out that the assassin had once served as a covert agent of the British. He was succeeded by Finance Minister Ghulam Mohammed and "there (now) came into existence a definite, albeit invisible, American role at the very apex of the Pakistani power structure." [Venkataramani: 193].

As we have shown, the UN handling of the Kashmir problem had been shoddy and biased. The failure to condemn the invasion of a State – first in October 1947 by tribal raiders aided, if not led, by Pakistani officers, and then ignore in May 1948 the Pakistani affirmation that its forces had entered the state allegedly in an act of self-defence against India – was remarkable, to say the least. Given this basic flaw in the normal course, it would have been impossible to get Indian cooperation. Yet, for a variety of reasons, which could include manipulation of the leadership by British officials, and a dash of naiveté and inexperience on the part of Nehru and his officials, India did go along with the UN process.

It accepted the August 13 and January 5, 1949 UN resolutions and bent over backwards to not appear threatening to Pakistan by not taking recourse to all the military options it had. Yet, as we will see, that riding on the backs of Britain, and to some degree the US, Pakistan was flying high, and was not willing to come down to earth and accept a reasonable settlement of the dispute.

A recent article by South Asian scholars, Lloyd and Susanne Rudolph has looked at the manner in which the US used a strategy of "offshore balancing" to check India. The Rudolphs argue that the principal architect of the policy was, perhaps, Sir Olaf Caroe, the last Foreign Secretary of the Raj who served through the Second World War years. His writings

in 1949 and his book *Wells of Power* (1951) were a restatement of conservative British ideas on the role of the Empire in policing the Middle-East. Following Partition, he argued that the role now had to be played by Pakistan. Caroe, according to the Rudolphs, wrote the book "for American consumption" and was active in the pushing the US to assume the historical responsibility of the Great Game that the British had so effectively played. [Rudolph and Rudolph: 703-9].

An examination of British policy in partitioning India, its role in the United Nations on the subject of Kashmir, particularly the actions of Noel-Baker and British Foreign Minister Ernest Bevin, reveals that the support for Caroe's ideas ran much deeper. They were visible in Wavell's "breakdown plan" and became manifest in the decades thereafter. They not only succeeded in effectively tangling the skein of the Jammu & Kashmir question, but also, by propping up Pakistan with military and political aid, checked India's rise in the comity of nations.



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# *Mediation*

The first round of UN efforts had lead nowhere. By the end of 1949, the failure of the UN Commission for India and Pakistan, as well as India's vehement opposition to arbitration, persuaded the UN Security Council to accept the UNCIP view, that a single mediator would be the best option. This person could best manage the difficult task of implementing the second phase of the UN resolutions – those involving the withdrawal of forces in Jammu & Kashmir. To this end, the UN Security Council decided to nominate its own president at the time, Canadian General A.G.L. McNaughton to meet the two parties 'informally' to find a way out of the deadlock.

McNaughton had no first-hand knowledge of the situation except that he had been the Canadian representative in the UN Security Council since 1948 and held the rotating presidency in February 1948. Canada was not part of the UNCIP, but since the country belonged to the Anglo-American alliance, he was considered 'safe'. The UNCIP had already achieved a basic agreement that a plebiscite would determine the future of Kashmir, the key issue that he was expected to deal with was the problem of withdrawal of forces. This he sought to do from the Lake Success UN headquarters, near New York, rather than by travelling to the region and dealing with the situation on the ground.

The August 13 and January 5 agreements were quite clear : There was a sequential three-stage process which would begin with Pakistan withdrawing its forces, getting the irregular forces under its control to pull out, to be followed by a thinning of Indian forces to levels required for maintaining law and order. Thereafter a plebiscite would be conducted under the J&K government's auspices, but supervised and directed by the Plebiscite Administrator.

But the presence of a strong contingent of Azad Kashmir forces complicated the issue. What guarantee was there, India wanted to know, that these forces would not break the ceasefire and present the world with a *fait acompli*? The 35-battalion force was trained and officered and equipped by Pakistan and given their location, they could overwhelm the Valley in quick time.

McNaughton had already begun his work shortly after his appointment, and on December 22, 1949, he put forward a plan. According to this, there was to be a progressive demilitarisation of armed forces "on either side of the Cease-Fire line by withdrawal, disbandment and disarmament." The forces would include Pakistani regulars, and the excess forces that India would not need for maintaining security and law and order, as well as disbandment and disarmament of the Azad Kashmir forces and the J&K militia. The Northern Areas were to be included in the process and the administration of the area would be handled by locals, subject to UN supervision. [Lakhanpal: 188].

These were put forward as proposals which would require the two sides to reach an agreement within a month, viz. January 31, 1950. This was somewhat ambitious considering that these very issues had tripped up the UNCIP in 1949.

Speaking in the resumed Security Council debate Sir Benegal Rau, a senior civil servant, then Ambassador to the US, pointed out that the new proposals were nothing but an effort to dilute the August resolutions that had fairly clearly accepted India's legal claim over the whole State of Jammu & Kashmir.



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The proposals on demilitarisation once again equated Indian and Pakistani obligations and also denied India's legal right to administer the Northern Areas. He maintained that even though India remained committed to a plebiscite, it should not be forgotten that this was a self-imposed requirement, since legally no one could question the validity of the accession of J&K State to India. For the first time, India began to hint that it was getting fed up of the UN's equivocation and biases and could even resile from its commitment on a plebiscite. [Gupta: 206].

The Security Council was not to be swayed, and on March 14, 1950 it adopted a resolution based on McNaughton's proposals. By this resolution, the UNCIP was terminated and its functions transferred to a single UN representative. His main task was to assist in "the preparation and supervision" of the demilitarisation programme and bring about a situation that would enable the Plebiscite Administrator to commence his work. The resolution called on the two sides to complete demilitarisation within five months on the basis of the McNaughton proposals and to consider Admiral Nimitz's name as the Plebiscite Administrator. India agreed to the resolution, but with the same caveats it had placed on the McNaughton proposals. Pakistan, too agreed, subject to the clarification that the Northern Areas would continue to be administered by local authorities.[Lakhanpal: 191].

## Sir Owen Dixon

Several names were considered for the position of the new UN representative set out by the March resolution and finally on April 12, 1950, Australia's ambassador to the US during the Second World War and a well-known jurist, Sir Owen Dixon was appointed. He had the difficult task of working out a demilitarisation plan that had already been rejected by India. Even while accepting the March 14 resolution, and welcoming the appointment of the new UN representative, Prime Minister Nehru stated clearly that India's stand on the

Azad forces and the Northern Areas remained unchanged. [Gupta: 212].

Dixon arrived in the subcontinent on May 27, 1950. For the first few days, he met Indian and Pakistani officials and then, from June 7 to July 12, he was in Jammu & Kashmir where he visited the ceasefire line and also had discussions with Sheikh Abdullah. On July 20 he was in Delhi, where he scheduled a joint meeting with the Prime Ministers of India and Pakistan that spanned four days.

As he recounted in his report of September 15, 1950:

> *The situation as I found it presented strange features. The parties had agreed that the fate of the State as a whole should be settled by a general plebiscite, but over a considerable period of time they had failed to agree on any of the preliminary measures, which it was clearly necessary to take, before it was possible to set up an organisation of a plebiscite.* [Lakhanpal: 204-5].

His task, as he saw it, was to create the conditions, primarily through getting the key requirement of demilitarisation going before handing over the task to the Plebiscite Administrator. He accepted that one of his main challenges was to deal with India's charge that Pakistan "was an aggressor who had no *locus standi* and whose troops had no title to be within the State." So, during the period of the plebiscite neither Pakistan, nor the Azad Kashmir "government" could administer territory they had captured. India also maintained that that "there must be no impairment of, or prejudice to, the recognition of the sovereignty of the State of Jammu & Kashmir over the Northern Areas." And that too sharp a reduction of forces by India could encourage incursions from the Pakistani side. [Lakhanpal: 206].

At the July 20-24 meeting with the two prime ministers in Delhi, Dixon realised that no new proposals were forthcoming from the two countries. So he iterated his own





plan which required, as a first step, the withdrawal of the Pakistani regular forces, to be followed by a synchronised withdrawal of Indian forces along with the disarming and disbandment of the Azad Kashmir forces and the J&K State militia. To overcome the issue of different administrations in the State, Dixon put forward three proposals for a single government for the State – first, a coalition government; second, an interim government of non-political people and; third, a UN administration. Not surprisingly, none of these were acceptable to the Government of India.

Jurist that he was, Dixon could not ignore India's insistent contention that Pakistan was the aggressor and that no proposal that ignored this fact would work. Dixon's view was:

> *I took the position, first, that the Security Council had not made such a declaration: secondly, that I had neither been commissioned to make, nor had I made any judicial investigation of the issue; but thirdly, without going into the causes or reasons why it happened, which presumably formed part of the history of the subcontinent, I was prepared to adopt the view that when the frontier of the State of Jammu & Kashmir was crossed on, I believe, October 20, 1947, by hostile elements, it was contrary to international law, and that when, in May 1948, as I believe, units of regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law.* [Lakhanpal: 207].

There it was: a grudging admission from a reputed jurist, of the glaring problem that the UN had refused to confront and that had in consequence complicated the issue. But the only concession to this determination that Dixon was willing to make was that Pakistani regulars would begin the process of withdrawal, but thereafter, the Indian withdrawal and the disbandment of the Azad and J&K militia would be done concurrently. None of these were acceptable to India. The kind of ideal plebiscite that Dixon wanted to hold had not been held



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till then anywhere in the world, and probably could not be held in a region that had not known the simple concept of voting till then, let alone democracy.

## Dixon's Partition Proposals

Dixon now decided to push other options before the rival prime ministers. Having understood that the State of Jammu & Kashmir was not a single entity, but an agglomeration of polities brought under the political control of the Maharaja, he proposed partition of the State, "either outright or combined with a partial plebiscite limited to the area which included the Valley of Kashmir."

He came up with two alternative proposals. The first: Demarcate the areas of J&K into several geographical units, hold individual plebiscites and allocate it to the winner. The second: Identify regions certain to go to India or Pakistan, and then confine the plebiscite to the remaining portion. By his reckoning, Jammu and Ladakh would go to India, while Pakistan would get Azad Kashmir and the Northern Areas, requiring the plebiscite to be held only in the Valley.

As Dixon reported, the Pakistan prime minister objected to both the alternatives because he saw them as a breach of India's commitment to "a single plebiscite taking over the entire State." India, on the other hand, came back with a qualified "yes". This was the point at which Dixon's conference with the two prime ministers terminated. Consultations now were along the lines already worked out.

India then came back with its formal response to the Dixon partition proposals. Which was that they had no objection in principle to the allotment to Pakistan of those areas where there was no apparent doubt about the wishes of the people, and that the plebiscite ought to be confined to areas where there was some doubt, and that the demarcated units should be worked out with geographical principles in mind, as well as to the requirements of an international border.



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The Indian suggestion was that a plebiscite could be held in the Valley, which ought to include parts of Muzaff-arabad district. Its' view was that most of Ladakh, Kargil and Jammu districts should go to India, along with some adjustments. And finally, it spelt out what could go to Pakistan: Gilgit, Gilgit Agency and Gilgit Wazarat, the tribal areas of Baltistan, and the area of Jammu, west of the Ceasefire Line. As a gesture of friendship, India made a voluntary commitment not to impede the flow of the Chenab in any manner. Dixon was told that Prime Minister Nehru was willing to participate in another conference with his Pakistani counterpart to discuss the issue.

Dixon felt that the Indian claims were excessive and in Karachi he said as much to the Pakistan Prime Minister. However despite this, Liaquat's response to the idea of participating in a conference based on the Indian partition ideas was a flat "no." According to Dixon, the main reason for Pakistani reluctance was because it did not want to move from its stand that the plebiscite had to be held over the entire State. [Lakhanpal: 215]. The only partition proposal that Karachi was willing to consider was one that would automatically allocate the Valley to Pakistan, a proposition that was unlikely to be accepted by New Delhi.

Dixon now decided that he would himself put forward a plan for holding a plebiscite in the Valley and partitioning the rest of the State. However, while India agreed with the basic plan, it changed its views once Dixon conveyed to New Delhi the steps that he felt were required to make this acceptable to Pakistan: The area of the limited plebiscite—viz. the Kashmir Valley—would be administered by the Plebiscite Administrator and a UN team.

As Dixon, somewhat ingenuously noted, "I intended that the administrative body of United Nations Officers, should have the power, if they thought fit to do so, to exclude troops of every description. If, on the other hand they decided that for any purpose troops were necessary, they could request the parties [India and Pakistan] to provide them."

These proposals went against everything that the Government of India had been saying till then, and therefore when Dixon sought its approval, he got a "no" from Nehru. [Lakhanpal: 216-8]. According to Blinkenberg, had Dixon not insisted on this point, and on replacing Sheikh Abdullah's government as a preliminary condition, the idea of partition and plebiscite in the Valley may have worked. [Blinkenberg vol I: 125].

Dixon was critical of India, but he himself admitted that without India's agreement no plan could be implemented. But he could not bring himself to accept that Indian arguments flowed out of the UN's refusal to determine on the main Indian complaint—that Pakistan was the aggressor. In his narrow view, "the question whether Pakistan had, or had not been an aggressor had, to my mind, nothing to do with the results of a partition and the fairness and freedom of a partial plebiscite." [Lakhanpal: 218].

This, of course, was the original flaw. From the very outset, the UN, under British pressure had ignored Pakistani aggression and the Indian concerns that flowed from it, particularly in relation to the requirements of the ways to conduct a fair plebiscite.

At the end of his labours, Dixon concluded that "if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan, it now lies in partition and in some means of allocating the Valley rather than an overall plebiscite." In his view, the UNSC's main job was to prevent conflict, and now that there was a ceasefire, "it is perhaps best that the initiative should now pass back to the parties." [Lakhanpal: 222].

There was now an interlude in which a group of Commonwealth prime ministers tried to mediate. A meeting was held in London on the sidelines of the Commonwealth Prime Ministers' Conference in January 1951. The principal protagonists at the meeting were Nehru and Liaquat, as well as Attlee, the Australian Prime Minister Robert Menzies, and the Prime Ministers of New Zealand, Canada and Ceylon.



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The discussion focused on the issue of partial or complete plebiscite, and took up the possibility of security being guaranteed by a Commonwealth force, a joint India-Pakistan force or a locally raised one. Two more meetings were held, at 10 Downing Street, and then at Chequers, the British Prime Minister's country residence. However the discussions were inconclusive and in the following month, back in India, Nehru rejected the idea of any external force being stationed in the Valley. [Lakhanpal: 229-232].

But the US and UK were not willing to give up so easily. A new UN resolution was mooted by UK on behalf of both countries, rejecting Dixon's suggestion that the two parties be left to settle the dispute among themselves. This was passed, over India's objections on March 30, 1951 by eight votes to none, with India, USSR and Yugoslavia abstaining. It called for the acceptance of Dixon's resignation and the appointment of yet another mediator whose job would be to get Indian and Pakistani concurrence for demilitarisation of the State and conduct a plebiscite. He was to take Dixon's report into account and explore the possibility of raising a neutral UN force and partitioning the State along the lines decided by the various plebiscite results. If this failed, the resolution called on the parties to accept arbitration on all outstanding issues by a single arbitrator, or a panel appointed by the International Court of Justice. The Council now appointed Dr. Frank Graham of the US as mediator.

In view of Owen's failure, the UN's position appears inexplicable, unless seen through the filters of the Cold War. Demilitarisation had failed, yet the UN wanted the new negotiator to walk the same path. Despite India's stated objections, the Anglo-American sponsors of the resolution envisaged an even larger role for the UN, and arbitration was seen as a key element of the resolution. India's representative Sir Benegal Rau observed that the resolution was undoing agreements already arrived at, "First, it seeks to give Pakistan a voice in matters in which Pakistan, as an invader of the State,

has been rightly denied any voice in older resolutions, and secondly, it seeks to transfer to arbitrators the right to make vital decisions which, under the older resolutions required India's agreement."[Gupta: 234].

**Frank Graham**

The new mediator was a US diplomat, and his effort was the lengthiest among those of the mediators. He arrived in the subcontinent on June 12, 1951 and submitted his first report within three months. He came at the point Jammu & Kashmir had their first elections to create a Constituent Assembly, something that Pakistan vehemently protested, seeing it as an effort to further integrate the State with India. Relations between the two countries were at a new low with India charging Pakistan with encouraging war rhetoric, and Pakistan insisting that it was only an expression of the emotions of the people over India's tactics.

Graham drew up a 12-point plan and gave it to both countries for their comment. The proposals reiterated the commitment of both sides to plebiscite, and sought to put demilitarisation on a 90-day time-line at the end of which there would be a "civil armed force" of size 'x' on the Pakistan side, and an Indian force of size 'y' on the other. Here was some concession to the Indian view since the Pakistanis could only retain a "civil armed force", while India could retain its regular forces. Both sides would also agree on a Plebiscite Administrator before the last day of the withdrawal period. [Lakhanpal: 239-40].

India and Pakistan accepted the proposals, but, not surprisingly, there were dramatically varying views on the issue of the size of the forces. India thought that Azad Kashmir should have 4,000 personnel, of which at least 2,000 should be from the J&K State militia, created by Sheikh Abdullah's government. While India itself would require one line of communications headquarters and one division of forces, some





28,000 personnel, in the Valley and Poonch areas. The withdrawal of the bulk of its army would occur after the departure of Pakistani troops and the disarmament and disbandment of the tribal and Azad Kashmir forces.

Pakistan, for its part, felt that it should have four regular infantry battalions, some 4,000 men, not civil armed forces, and India ought to have the same number on its side. There was therefore a deadlock. [Gupta:240].

On November 10, 1951 the UNSC came up with another resolution asking Graham to continue his efforts and to report back within six weeks. He now began talks with Indian and Pakistani representatives in Paris on the vexed issue of forces, aided by a military adviser, US General Jacob Devers. Pakistan now said that if India kept a division in the Valley, she would like to keep 25,000 Azad Kashmir forces. At this point, Graham also asked both sides whether they would like UN troops to come in, Pakistan agreed, India rejected it outright.

In his second report of December 13, 1951, Graham modified the 90-day limit to a specified date — July 15, 1952 — but he also modified his earlier view specifying the residual forces on the Pakistani side as "civil armed forces". He now simply called for the "lowest possible number of armed forces" on either side of the ceasefire line, based in proportion to the forces that were there at the time of the ceasefire. [Lakhanpal: 240-1].

When the debates resumed in early 1952, it had become clear that while there was little disagreement over the idea of plebiscite, or the timing of the induction of the Plebiscite Administrator, there were genuine difficulties over the scope of demilitarisation and the quantum of forces that would remain at the end of that process.[Gupta: 246].

So when he submitted his third report to the UN, on April 22, 1952, Graham confirmed that he had been unable to change India's view that on the quantum of forces — 21,000 troops, plus 6,000 militia on her side and 4,000 for the Azad Kashmir side.



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Discussions on the subject continued between the Indian and Pakistani officials, and Graham's military adviser General Devers. It soon became clear that there was still a yawning gap between the two positions. There were differences of interpretation such as what was meant by "bulk" of the forces (India felt it meant 'majority', while Pakistan argued that it meant 'most'), and the size of the respective armies at the time of ceasefire.

Graham continued his efforts and in his fourth report of September 16, 1952 he noted that he had suggested a compromise formula of a force of 6,000 on the Pakistani side (excluding the Gilgit and Northern Scouts) and 18,000 on the Indian side (excepting the State militia) but that there had been no agreement on these figures either. According to Gupta, the differences brought out the unbridgeable difference – India felt it was responsible for the security of the entire State, while Pakistan refused to accept this position. [Gupta: 248]. And the UN mediators while unable to give legitimate sanction to Pakistan's position, were also not willing to accept India's legal claims.

Graham now came up with a generalised formula -- For India: The minimum required for the maintaining law and order and the ceasefire agreement and the security of the state. For Pakistan: The minimum required for the "freedom of the plebiscite." India expressed agreement with this formulation, while Pakistan felt that it could accept it with some amendments. But the task of fleshing out this framework proved impossible and Graham did not make any recommendation.

The UN Security Council discussed this report and in a resolution of December 23, 1952 asked the two governments to continue negotiating under the UN auspices with the world body's representative. It urged the two governments to begin negotiations "in order to reach agreement on the specific number of forces to remain on each side of the ceasefire line at the end of the period of demilitarisation".





It also specified the band of these numbers : 3,000 to 6,000 on the Pakistan side and between 12,000- 18,000 on the Indian. Graham gave the problem another shot in early 1953, this time carrying on the negotiations in Geneva. On February 14, 1953, he proposed that there be 6,000 troops on the Pakistan side, separated from the operational and administrative command of the Pakistan General Headquarters and 21,000 on the Indian side, including the J&K State Militia. India said that even while it accepted the numbers on the Indian side, it could not agree to anything else but a "civil armed force" on the Pakistani side, even though it could even go along with an an increase in their numbers. Pakistan found the Indian numbers as too large and not conducive to the security of Azad Kashmir.

So in his fifth and final report of March 27, 1953, Graham conceded defeat. He, too, recommended that the two countries work out the problem between themselves. [Gupta:253].

Mediators like Dixon and Graham put in a great deal of effort to find some solution to the problem, but they failed. A major reason for their failures lay in the original flaw with the resolutions that had transformed a straightforward Indian complaint of unprovoked aggression by Pakistan on J&K State, into an India-Pakistan dispute. Dixon, the punctilious jurist for example, could not deny that India was the victim of aggression, but he would not take that into account, since that was not his brief, and, after all, even the UN Security Council had not done so.

Dixon was wrong on this, and the key to what he saw was Indian obstinacy, lay in the machinations of Philip Noel-Baker that had skewed the UN Security Council's response which instead of dealing with the complaint of aggression first, sought to resolve the problem by locking itself up into a process of accommodating the aggressor. So on one hand, it encouraged Pakistan to demand more, and on the other, alienated India. Dixon's efforts "to treat history and politics as mutually exclusive events", foredoomed his efforts, as it did of the other mediators.



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India and the J&K State Government led by Sheikh Abdullah could hardly ignore the recent history of invasion, mayhem and butchery. Neither could they, with the record of Pakistani deceit, afford to take chances again, hence the Indian insistence in maintaining a certain level of forces to provide for the security of the State.

The UN's record of fiddling while Kashmir burned was clear.

- It had received a complaint in December 1947, waited several weeks to act on it.
- Then it had set up an investigating arm, the UNCIP, that took several months to reach the site of the trouble.
- Despite the ceasefire resolution of August 1948, Pakistan continued with its military offensive till finally the tide began to turn, and it accepted the ceasefire of January 1, 1949.
- It informed the UNCIP of the formal entry of its forces into the conflict three months after the fact and did not inform the UN that it had raised an army of 35,000 Azad Kashmir forces till the UNCIP had passed the August 13 resolution.

The issues of demilitarisation and plebiscite thereafter became a kind of futile search for what came first, the chicken or the egg. The UN systematically ignored or played down the issues of the Pakistan-assisted tribal invasion in October 1947 and the entry of Pakistani regulars into the State in May 1948 and focused on the terms and conditions that India had to meet to resolve the dispute to Pakistan's satisfaction. If the UN was really keen on resolving the problem, it ought to have first confronted the issue as to whether or not the accession was



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legal. If it was, in its view, illegal, its posture of trying to equate India and Pakistan would have appeared valid. But we have seen that neither the British and American authorities, nor the UNSC questioned India's juridical claim over Kashmir. Then why could they not have acted along the logic of this determination?

As we have seen this had to do with the plans the British had with regard to the place of the two Dominions in the post-independence period. Subsequently, Pakistan's offer of a Cold War alliance skewed the debate against India. Suffice to say, that by the early1950s, the waters had been sufficiently muddied to prevent the UN from playing any significant role.

**The United States Tilt**

We have seen how the US had largely remained neutral on the dispute in its early years. We have also seen the efforts made by the UK to embroil the US on the side of Pakistan. But the weakness of the US position was in that it refused to take an independent stand, preferring to tail the British. But with the onset of the Cold War, the sinking political and economic fortunes of UK, and the outbreak of fighting in Korea, it became clear that the United States had to assume the leadership of the 'Free World.'

But the big change only came in 1952 with the coming of the Republican administration headed by Gen. Dwight 'Ike' Eisenhower in the US. Though the Truman administration had set the basis for the containment of the Soviet Union and confronted "global communism" in China, Korea, and Vietnam, the "loss" of China, the developments in Korea and Vietnam were laid at their door and at their alleged softness towards the Communists. Into this climate of anti-Communism, the General chose communist-baiter, Richard M. Nixon as Vice-President, and John Foster Dulles as his Secretary of State.

The evolving American military doctrine of containment was that the Soviet Union and China were to be encircled by a

ring of bases from which bombers could threaten retaliation on the Sino-Soviet heartland. While the Pentagon's task was to determine where these bases would be ideally located, the State Department's job was to obtain the access.

In one of the last high-level assessments, on January 19, 1953, the Truman Administration spoke of the need for a Middle East Defence Organisation to shore up the weak link, Iran. Turkey in the north and Pakistan in the west would add to "Iranian self- confidence". It said that "the first instalments of substantial military aid to Pakistan should be supplied at an early date, provided this can be done in a manner which does not involve unmanageable problems with India." [Venkataramani: 201].

In his May 1953 visit to Karachi, part of his tour to the MiddleEast, Dulles was impressed by the manly Pakistani soldiers and the eagerness of Pakistani leaders to ally with the US in its crusade against Communism. But, as Venkataramani has shown, even at this stage, the US was careful about the Indian reaction. Dulles did not give any comfort to Pakistan on Kashmir, and indeed hinted that were the issue to be peacefully resolved, Pakistan could expect a more substantive aid package.

Dulles was not unfamiliar with the issue having handled it as part of the US mission to the UN in November 1948 when, as we have shown in the last chapter, he had commented on Britain's excessively pro-Pakistan tilt. In fact, in one of his statements during this visit, Dulles was on record saying that plebiscite was perhaps not a good idea because, by its very nature, it tended to inflame emotions. In his view, expressed at an executive session of the US Senate Foreign Relations Committee on June 3, 1953, was that "a somewhat arbitrary division [for Kashmir] might be to the better solution."[ Venkataramani: 209].

Through most of 1953 and 1954, India and Pakistan also tried to resolve the issue through direct negotiations that we will describe in the next chapter. The process was unfortunately derailed by the decision of the United States to formally ally





itself with Pakistan. Three events appear to have precipitated the US moves —the Soviet detonation of the hydrogen bomb on August 12, 1953, within a year of the American test, the overthrow in the same month of Mohammed Mossadegh, the Prime Minister of Iran in a CIA-engineered coup, and some eight months later, on May 7, 1954, the defeat of the French at the hands of the Viet Minh in Dien Bien Phu. They had the immediate consequence of setting off a train of events that led to the derailing of moves to resolve the Kashmir issue and, in the longer-term, had more portentous consequences for Pakistan itself.

Shortly after Dulles had toured Pakistan, in December 1953, Karachi played host to the new US Vice-President Richard Nixon and it was at this point that the US tilt began to become apparent. Two months later, in early February 1954, the US National Security Council met. The centerpiece of the meeting was a two-hour discourse by Nixon on his recent Asian visit where he waxed eloquent on the virtues of aiding countries like Pakistan and ignoring neutralist countries like India which wanted the rest of non-communist Asia to be "weak and unarmed." After a discussion, the NSC decided to provide military aid to Pakistan. [Venkataramani: 235-6].

To take into account Indian feelings, an elaborate deception plan was worked out through which it would be made to appear that Turkey and Pakistan had decided on a collective security arrangement to which the US would provide aid. This was announced through simultaneous joint communiqués from Ankara and Karachi on February 19, 1954. This led in the following year to the Middle East Treaty Organisation (METO), also known as the Baghdad Pact and Central Treaty Organisation (CENTO) which linked the UK, Iraq, Turkey, Pakistan and Iran in a mutual security pact. The US was a sponsor of the organisation, but only joined it later when a coup overthrew the Iraqi monarchy, one tier of the alliance, in 1958.

Three days later on February 22, 1954, Pakistan Prime Minister Muhammad Ali Bogra declared at a Press conference



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in Karachi that Pakistan had sought military assistance under the US mutual security legislation. Within days, on February 25, in Washington, President Eisenhower announced that the US would favourably consider the Pakistani request. The US acceptance, the President noted, was based on the Pakistan-Turkey decision to collaborate to stabilise the Middle East. To mollify India and Afghanistan who had expressed reservations about this aid, Eisenhower declared that if this aid was used for "aggression against any other nation" he would take action "within and without the United Nations to thwart such aggression." [Venkataramani, p. 240].

Later that year, after a meeting in Manila, the South East Asian Treaty Organisation (SEATO) came up. Pakistan enrolled as an enthusiastic member, even though the US made it clear that the aim of the organisation was to defend against a putative Communist attack.

The capstone, insofar as Pakistan was concerned was the signing of the US-Pakistan Mutual Defence Assistance Agreement on May 19, 1954. While the collective security arrangements were designed to commit Pakistan to an anti-communist front, the bilateral arrangement was to facilitate the transfer of equipment and materials. But it did not by itself give any commitment on the part of the US to come to Pakistan's aid in the event of aggression from a third party.[R.K. Jain vol. 2: 96-101].

All this was happening at a time when India and Pakistan had taken steps to resolve the Kashmir issue by themselves. But there were other straws in the wind. At the end of September 1954, within weeks of a joint India-Pakistan communiqué asserting their willingness to settle the Kashmir issue "in accordance with the will of the people" and an agreement on the appointment of a plebiscite administrator by April 1954, the Commander-in-Chief of Pakistan, General Ayub Khan, went to the US on an official visit. On October 19, Governor-General Ghulam Mohammed , too, proceeded on a six-week tour to the US where discussions focused on an arms transfer agreement.





Pakistan clearly saw its membership of US-sponsored alliances as a means of furthering its foreign policy goals that had little reference to fighting communism. In March of 1956, following a SEATO meeting in Karachi, Pakistan raised the issue of Soviet support for Afghanistan and succeeded in getting an endorsement in the joint communiqué for its position that the Durand Line constituted the Pakistan-Afghan border. But on the issue of Kashmir, however, all that members were willing to state was the standard formula -- the need for an early settlement through the United Nations or direct negotiations. In fact after the meeting, US Secretary of State John Foster Dulles went out of his way to declare that any aggressive action by Pakistan against India would result in immediate US support to India. [Venkataramani: 361].

But soon a major American technological achievement, spurred by its great need to obtain intelligence about the Soviet Union, made it necessary for Pakistan to play a greater role in the US scheme of things. This was the development of the U-2 aerial reconnaissance aircraft that could fly at the edge of the atmosphere for eight hours at a stretch and obtain photographs of the facilities deep inside the Soviet Union.

By mid-1956, it became clear that Pakistan would be one of the critical locations that were needed for the aircraft to operate from so as to cover the trans-Ural industrial belt. The Americans now began upgrading an airbase near Peshawar and constructing a communications facility at nearby Badabar. It was at this stage that the US felt compelled to step up its relationship with Pakistan and begin the delivery of high quality US arms in the form of F-86 fighters, self-propelled artillery and M-47 Patton tanks.

**To the United Nations Again**

With the alliance in the bag, Pakistan now began to push the US on Kashmir. The Americans were not particularly enthused by the project, and to fob off the pressure persuaded



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the UN to take up the issue again. Between 1953 when Graham left the scene, and 1957 when the debate was resumed in the UN Security Council, there were many significant developments in the State.

First, between 1952-53, New Delhi and Srinagar had worked out the broad detailed agreement on the subject of autonomy for Jammu & Kashmir.

Second, in 1953, the Government of India came to know that Sheikh Abdullah had been involved with discussions with the US on the idea of an independent Kashmir. This is a subject that had been brought up by the Sheikh at the very outset with the US representative in the UN in 1948, Warren Austin. At that time the US was not interested, but now with its changed geopolitical perspective, the Americans were not entirely disinterested. The result was the arrest and detention of Abdullah.

Third, the Kashmir Constituent Assembly established in 1951, was now well on its way towards writing a constitution for the State despite the Security Council's warning that the final say on Kashmir's status would only be through a plebiscite.

Fourth, India and Pakistan had made a serious effort to enter into bilateral negotiations in 1953-1954, even if they had not gone very far.

Fifth, Pakistan had joined the US- sponspored Middle East Treaty Organisation (aka CENTO) in 1955, and had begun receiving arms aid, under a bilateral pact with the US signed a year earlier, in 1954.

Sixth, in 1956, Nehru had publicly declared that the idea of a plebiscite was no longer realistic.

By February 6, 1954, the Constituent Assembly ratified Jammu & Kashmir's accession to India and, in May, the President of India promulgated the Constitution (application to Jammu & Kashmir) Order extending the writ of the Indian Constitution on the State. In September 1956, the State Constitution was passed after two months of discussion. On January 26, 1957, it was formally accepted and the Constituent





Assembly dissolved. In March 1957, the first elections to the Assembly were held and the National Conference won 68 out of 75 seats.

Anticipating these developments, Pakistan approached the UN again. The debate was therefore taken up on January 16, 1957 and continued on for more than a month till the third week of February. With the Cold War in full spate and a shiny new alliance with the Western powers in its pocket, Pakistan hoped that the UN would now take the necessary action. But she was disappointed. India, for its part had by now realised that she had been ill-served by the UN and took the opportunity of the UN debates to outline the wrongs that had been inflicted on her, rather than adopting the largely cooperative attitude it had displayed earlier.

In participating in these alliances, that had little to do with Pakistan's security or stability, Pakistani leaders were acting in the belief that they could gain advantage vis-à-vis India. Particularly, because the Indian leadership seemed determined to stay away from superpower politics and shape a third way in the form of the Non- Aligned Movement. About the time the CENTO and SEATO were coming up, countries like Indonesia, India and China were trying to unite Afro-Asian countries through an initiative begun at Bandung in April 1954.

Nehru had visited the Soviet Union in 1954, Zhou Enlai had visited India in the same year and in the following, 1955, Soviet leaders Nikita Khrushchev and Nikolai Bulganin toured India and Afghanistan and proclaimed their support for their respective positions on Kashmir and Pakhtunistan.

Through the worst period of manipulation by Noel-Baker & Co, the Soviet Union had been neutral on the Kashmir issue, and indeed, for a while it was boycotting the Security Council. Till the mid-1950s, the balance of power in the UNSC on the Kashmir issue was in favour of the Anglo-Americans. But now with the Soviets taking an overtly pro-Indian stand, the situation settled into a stalemate.



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The basic outlines of the debate that unfolded January 15- February 21, 1957— with India fielding the acerbic Krishna Menon— were the same. India pointed to the legal accession of the State to the Indian Union. Pakistan, on the other hand, maintained that the State was a disputed territory whose final disposition was to be determined, according to the UNCIP resolutions of August 13, 1948 and January 5, 1949, notwithstanding its own ambiguity towards the first-named resolution. Pakistan also claimed that India's acceptance of the resolutions constituted an international agreement, while India pointed out that the main August 13 resolution set out key benchmarks that had not been adhered to by Pakistan. The passage of time, India argued, had since made the offer of plebiscite null and void.

On January 24, 1957, two days before the new Constitution of the State was to come into force, the UN Security Council adopted a resolution maintaining that the final disposition of the State could only be determined by a plebiscite. India rejected this resolution because of its continuing refusal to accept the legality of the Instrument of Accession.

In these debates Pakistan claimed India had flouted its international commitments and charged that it had unleashed a reign of terror in the State and detained a number of Kashmiris without trial. India replied that Pakistan was the aggressor, and that the UN resolutions themselves had made it clear that it had no obligations to meet, till that aggression had been vacated. India reminded the Council that it had made a voluntary offer to consult the people of Jammu & Kashmir, and that it had done so through elections of the State Assembly.

## Shifting Sands

But the focus of the world was now beginning to shift from South Asia to the Middle East. In 1956, incensed by Nasser's 'neutralism' and egged on by the Israeli lobby, the Anglo-Americans sought to punish Egypt by withdrawing an



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offer to fund the Aswan Dam. In response, Nasser nationalised the Suez Canal and set the stage for the Anglo-French capture of the canal, and the Israeli attack on Egypt. The failure of the Anglo-French enterprise because of lack of US support was the beginning of the end of overt British influence in the region. Thereafter, it was a slide to the declaration, in 1967, that it was withdrawing from its East-of-Suez commitments.

In its dealings with the regional countries, the US was sharply focused on its principal goal of combating communism. The Eisenhower Doctrine, which took the form of a Message to Congress on January 5, 1957, sought to reassure regional allies by providing a security umbrella to the countries in the region. But it specifically applied only to countries attacked by "international communism." This was underscored by the wording of the text of the message and later in the remarks and testimony of Secretary Dulles. The US was not about to get involved in the Turkish quarrel with Greece over Cyprus, or Iraq's fear of Israel. It certainly did not intend to provide much comfort to Pakistan, whose goal was to get an US umbrella against India.

The Pakistani leaders of the time, Governor-General Iskander Mirza, Prime Minister H.S. Suhrawardy and Commander-in-Chief, Ayub Khan did everything they could to ingratiate themselves with the Americans. Much to the discomfiture of the US, which was not yet formally linked to the Baghdad Pact, they even suggested that the military forces of the METO be headed by an American general. During his official visit to the US, Suhrawardy pleaded for the US to formally accede to the Baghdad Pact. In early 1958 Iskander Mirza repeated the plea but to no avail.

But after the Iraqi coup that saw the overthrow and slaughter of the Iraqi royal family, the US finally signed up in July 1958 to reassure the nervous Pact members. But Washington made it clear that its commitment was circumscribed by the language of the 1957 Joint Resolution that it was committed to act only to counter "international communism."

By this time, Pakistan was itself on the brink, though not because of a communist threat. Economic problems, combined with political agitation in its eastern wing had made matters difficult for the government. Mirza was egged on by Ayub to act against "corrupt politicians" and on the evening of October 7, 1958, he issued a proclamation abrogating the Constitution.

Martial Law was declared throughout the country and Ayub was appointed Chief Martial Law Administrator. By this time the Pakistan Army had developed the "Indian threat" as a *raison de etre*. A report by a State Department intelligence agency noted:

> *Pakistan's main reason for devoting a quarter of its budget for defence, and seeking additional US arms is ....to bolster Pakistan's position vis-à-vis India.*
>
> *Although every Pakistani increase in military expenditure has been justified in Pakistani eyes by the need to counter Indian military development, it may also be true that the Pakistani army has developed as a pressure group to the point that regardless of Indian developments, it might continue to have priority over economic development for appropriations.* [Venkataramani: 390]

Venkataramani has also pointed to the coincidental arrival three weeks after the coup, on October 23, 1958 of the US Secretary of Defence, Neil McElroy. As of date, there is no evidence that the US had forewarning of the military takeover, but the McElroy visit was accompanied by a high-voltage Pakistani effort to woo the US. The former businessman was given a royal treatment and even made an honorary member of the President's Bodyguard. A week later, however, Mirza was shown the door and Pakistan became a full-fledged military dictatorship. This event had major consequences for Pakistan, not in the least in shutting off the East Pakistanis from any direct participation in government.



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## Gunnar Jarring

It was against this backdrop that the United Nations Security Council that had been debating the Kashmir issue since January 15, 1957 decided through a resolution on February 21, 1957, that its President, Gunnar Jarring of Sweden talk to the two governments about any proposals they would like to put up with regard to the Kashmir issue. A day before, the Soviet Union vetoed a resolution that had contained language speaking of "a temporary UN force for Kashmir." This reference was then deleted.

Jarring, who had served as a diplomat in India, visited the subcontinent between March 14 -April 11, 1957 and submitted a report to the UNSC. He found that while both sides were willing to continue the search for a peaceful solution, the problem of implementing the Part I of the August 13 resolution remained.

The Indian officials he met – Krishna Menon, Secretary-General of the External Affairs Ministry, N.R. Pillai, and Commonwealth Secretary M.J. Desai – reiterated India's stand that since Part I of the August 13, 1948 resolution calling on both sides to maintain "an atmosphere favourable to the promotion of further negotiations" had yet to be implemented, it was premature to focus on Parts II and III, and the January 5, 1949 resolution relating to plebiscite. The Indian view, the officials said, was also conditioned by the knowledge that Pakistan had augmented the forces on its side of the ceasefire line, violating clause 'B' of Part I of the resolution. The officials also told Jarring that the Council had so far failed to act on the original complaint of aggression by Pakistan.

Pakistan, for its part maintained that it had implemented Part I of the resolution completely and the time had come to implement Part II.

Jarring now proposed in a report on April 29, 1957 that the issue as to whether or not Part I had been implemented be given over to arbitration, with the arbitrator being empowered

to not merely determine whether or not Part I had been implemented, but to suggest steps, if any, that were needed to complete the process. The Pakistani side agreed to the process after some hesitation, but India rejected the idea because it would have placed India and Pakistan at the same level, providing Pakistan a *locus standi* in the dispute.

Jarring concluded his report by referring obliquely to the "changing pattern of relations in West and South Asia," – the Pakistani alliance with the United States and the closer integration of the State with India and observed:

> *The Council will... be aware of the fact that the implementation of international agreements of an ad hoc character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope with has tended to change.* [Lakhanpal: 281].

Jarring hit the nail on the head. The Jammu & Kashmir developments, its fighting, UN debates and resolutions, could not be seen in isolation or as a static event. In front of the UN, the situation had altered from one where Pakistan had surreptitiously sent tribal raiders to attack the Valley of Kashmir, to one where Pakistani troops had clandestinely joined the fighting, and finally to one where India and Pakistan were locked in direct conflict. Yet, the UN resolutions had remained essentially unaltered. The consequences of being blind to reality were that the resolutions themselves lost relevance, since they progressively lost correspondence to reality.

The debate on the report was initiated by Pakistan Foreign Minister Malik Firoz Khan Noon on September 24, 1957. He charged India with evading plebiscite and terrorising Indian Muslims. He called on the UNSC to mandate the demilitarisation of the State under the terms of the December 23, 1952 resolution. He said that Pakistan was prepared to withdraw its forces, provided an adequate UN force was





stationed on its side of the ceasefire line. He demanded that the UN deal with the issue under Chapter VII, and issue a mandate to settle the dispute.

India's delegate, Defence Minister Krishna Menon emphatically rejected the Pakistani charges and said that India stood by the two UNCIP resolutions and the earlier UNSC resolution. But, he repeated, that the resolutions only demanded Indian action after Pakistan had vacated her aggression. This, Menon pointed out, this was the central issue. He rejected Noon's suggestion that UN troops be involved pointing out that where Pakistani cantonments were within a stone's throw from the J&K border, the Indian ones were hundreds of miles away. He also made it clear that India was not bound by the quantum of troops suggested by the December 23, 1952 resolution since they were based on exploratory talks with Dr. Graham. [Lakhanpal: 283].

## Frank Graham, Redux

But the Western powers led by Australia, UK and the US were now also working on their own agenda and therefore backed the idea of UN troops, and for that reason, the Soviet Union threatened to veto the resolution. So the resolution that was passed on November 16, 1957, modified on December 2, merely instructed the UN representative Frank Graham to visit India and Pakistan again to have another go at working out a settlement. Graham had discussions with the two governments for about a month in January-February 1958 and held discussions with the top leaders and officials of both countries and submitted his report on March 28. His focus was on how to get on with the implementation of Part II of the August 13 resolution. Graham noted in his report that he was aware that "while the objective envisaged in Part IIA, namely the withdrawal of the Pakistan troops from the state, was clear enough, the method and machinery to be pursued to this end would be likely to create its own problems." He did acknowledge that the UN resolution



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had accepted that the sovereignty of the territory vacated by Pakistan would rest with the State of Jammu & Kashmir, but the full exercise of that sovereignty was limited by the resolution that called for surveillance of the region by the UN, and by a commitment by India that its forces would remain on their side of the ceasefire line.

The five-point Graham proposals of 1958 called on both sides to, first, reiterate their support for the UN resolutions and their promise not to breach the ceasefire line. Second, to administer the territory evacuated by Pakistan by 'local authorities' under the surveillance of the UN. Third, station a UN force to deal with the Indian concerns about the security of this evacuated territory. His fourth proposal was on the need to move rapidly on Part III of the resolution— the conduct of the plebiscite— and his fifth proposal was that these issues be dealt with through a summit between the prime ministers of the two countries.

In his report, Graham noted that Pakistan accepted his proposals and was prepared "to withdraw Pakistan troops from the State of Jammu & Kashmir simultaneously with the withdrawal of the bulk of Indian forces from the State in stages to be agreed upon with the Commission...." Pakistan also agreed on how the area they were evacuating ought to be administered and to the idea of UN forces managing the security in Azad Kashmir.

The Government of India, however, refused to agree on any of Graham's recommendations. New Delhi emphasised that without the implementation of the January 17, 1948 resolution and Part I, clauses B and E, of the August 13 resolution, there was no question of their agreeing. The Government of India made it clear that in their view the central issue was "the illegal occupation of Indian Union territory by Pakistan." Graham noted, all-in-all, the Government of India's strong view that it could not enter into discussions with him because it would "place the aggressor and aggressed on the same footing." He came to the conclusion that given the





differences and distrust between the two countries, the only option was for them to engage in "well-prepared direct talks." [Lakhanpal: 285-292].

## The Kennedy Administration

Even as US military ties with Pakistan reached their apogee in the late 1950s, the US began to take steps to ensure that it did not completely alienate India. To that end, US economic aid to India began to steadily rise. But the decisive change came at the end of 1960 when John F. Kennedy who was known to have positive feelings towards India was elected President. These moves alarmed Ayub Khan, as did the statements of administration officials like Vice-President Lyndon Johnson lauding Nehru's leadership. The Pakistanis now began to renew their pressure on the US to intervene on Kashmir.

As in other areas, the US now started looking beyond the policies of the past. The vigorous Kennedy Administration began to see whether or not they could move things between India and Pakistan on Kashmir through routes other than the sterile UN discussions. But 1962 was election year in India and the chances of any Indian softening was not likely, especially since the Nehru government was already facing heat for its China policy. The US got the opportunity to get a better fix on the views of the two countries during the visits of President Ayub in July 1961 and Prime Minister Nehru in November 1961.

In Washington, Ayub once raised the spectre of the Indian threat. The main aim of his visit was to scuttle, what he saw was, an emerging Indo-US entente. Kennedy, however pointedly disagreed with him arguing that India already had what it wanted in Kashmir so was unlikely to attack Pakistan. [FRUS vol. 19: 67-8]. Ayub was somewhat disconcerted by Kennedy's view that America needed to reach out to New Delhi out of larger concerns of global stability. Kennedy sharply quizzed Ayub on what would be acceptable to Pakistan on



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Kashmir. The Pakistani dictator's response was a no-brainer: partition would be fine, only if India kept the Jammu areas. Realising he could not move the Pakistani leader, Kennedy told him that the subject of taking up the issue again at the UN could come up only after he had met Nehru in November. Later, the President told his aides, that they should assess the consequences of such a development and advise Pakistan against the reference, if its chances of success were negative. [FRUS vol. 19: 67-70].

As for India, John Kenneth Galbraith, the new Ambassador had begun the process of softening up Nehru. He quickly established an easy relationship with the Prime Minister and, in September 1961 engaged him on the subject of Kashmir. The Indian bottomline, Galbraith ascertained, was the belief that the only viable option at the time was the conversion of the Ceasefire Line into the border. And once that was done as part of a final settlement, the border between the two Kashmirs could thereafter be softened.

In November 1961, in Washington, Nehru explained the genesis of the dispute and the long history of efforts, since October 1947, to settle it. In his view, he repeated to Kennedy, the only solution possible was that of dividing the State on an as-is-where-is basis, with some modifications. As the American record of his conversation notes:

> *...practically speaking the present situation cannot be changed. No government of India could function, certainly not his government, if this [territorial change] were to happen.* [FRUS vol 19: 132].

When asked by Galbraith whether there could be "a more relaxed access" from one to the other part of Kashmir, Nehru's response was that if the territorial claims were dropped, "all other questions could be easily resolved."

But the following month, in December 1961 after India liberated Goa through the force of arms and annoyed the US,





Pakistan sensed opportunity and began to press for another discussion in the United Nations. Though the United States was supportive publicly, it was privately sceptical of the move. A senior National Security Council official, Robert W. Komer observed that "a tendentious debate in UN will move us away from the Kashmir settlement rather than towards it." Komer was articulating the emerging US policy which was to push Nehru and Ayub to work out a deal through a bilateral dialogue aimed at possibly officially partitioning the State. [FRUS vol 19: 164].

Another problem that the US foresaw was that it would be assuming the Presidency of the Council, and taking any stand on the issue would annoy one or the other side, but perhaps the Pakistani goal was precisely to pin down the US in this way.

The US, as we noted, had by now realised that the UN route was a dead end. Their chosen solution was a straightforward partition. But having plumbed the minds of Nehru and Ayub, they concluded that it was not easy to bridge their divergent positions which were between Pakistan's view that India vacate all of J&K except Jammu, and the Indian view, though not clearly articulated privately or publicly, that the Ceasefire Line be hardened into a border.

So, to facilitate the process, the idea of another mediator was floated. In early January 1962, the US decided that they would possibly propose the name of Eugene Black, the President of the World Bank that had overseen the Indus Waters' Treaty of 1960. Another name that came up was of David Lilienthal, former head of the Tennessee Valley Authority and the US Atomic Energy Commission.

In mid-January, the US President addressed a letter to Prime Minister Nehru and President Ayub asking them whether they would be willing to "request a trusted friend of both countries" World Bank President, Eugene Black, to help move the Kashmir issue forward. Ayub's response was prompt, even while praising Black, he said that his final answer could

only be given after Nehru reacted, even though he was inclined to accept the offer. The Indian response that came two weeks later was to reject the offer, but at the same time, issue an invitation to Ayub to come to India for talks after the elections.

But this did not prevent Pakistan from going ahead with its plan to raise the issue in the UN. On January 11, 1962, Pakistan had written to the UN Security Council asking for further action on the dispute, noting that this request was being made because efforts towards direct negotiations with India had failed. India responded in a letter on January 16, that the Pakistani assertions were not true and that avenues for a dialogue remained open and that Pakistan was seeking to exploit the issue on the eve of India's general elections.

The US made strenuous efforts to dissuade Pakistan from going to the UN, since it believed that nothing would come out of it. But after postponing consideration of the issue till after the general elections, the UN Security Council took up the subject on April 27, 1962, despite India's opposition. Pakistan once again fielded the redoubtable Zaffrullah Khan, and India its caustic Defence Minister V.K. Krishna Menon. With gloves off, both sides outlined their core arguments on Kashmir.

Khan noted, somewhat erroneously, that India and Pakistan had accepted the August 13, 1948 and January 5, 1949 resolutions that called for a settlement through plebiscite. In addition, India, too, had declared in its White Paper of August 10, 1948 that after partition the sovereign rights of the Princely States had reverted to the people. Krishna Menon, however maintained that accession was "complete and final" and that the Indian Constitution had no provision for a temporary or conditional accession. Even while maintaining this, Menon argued that India's commitments to the UNCIP could only begin after Pakistan withdrew its troops from Kashmir.

According to an internal US document, during the July 1961 visit Pakistan President Ayub Khan had sought and received a US commitment of support when the issue came up





again at the Security Council. After India rejected the Black mediation proposal, Pakistan "against the advice of the United States" brought the issue before the Council. The US soon realised that it was expected to play a major role in advancing Pakistan's case and that "an excessively broad interpretation" was being placed by Pakistan on Kennedy's commitment. After internal discussions, the US pared down its obligation noting that it was committed to "sympathetic consideration of and support for any Pakistani initiatives in the Security Council" but not to any resolution that "radically departs from the intent of the earlier resolutions".

But to make it clear to Pakistan that "we were in fact discharging the commitment, once and for all," the US insisted that Pakistan put forward its own resolution, rather than have the US move one. In other words, the Pakistanis would have to do the main legwork and the US would be in the background. So, Zafrullah Khan provided the texts, and persuaded Ireland and a number of other nations to draft a resolution that would fit the bill.

In mid-May there was considerable behind-the-scenes lobbying as India sought to water down the proposal and break the grouping of non-aligned States like Egypt, Ghana and Chile who had been roped in by Pakistan. Finally, it appeared that only Ireland would be the sponsor, something that Dublin was keen to avoid. Intense diplomacy was needed by the US to keep the Irish on track by first trying to get the Chileans back as co-sponsors, even while accepting that as a last resort the US and UK would take up that role. Finally President Kennedy himself stepped into the picture to get the Irish to be the sole sponsors. [FRUS vol.19: 287-290].

Some ten meetings were held by the Council, presided over by the US, till the final debate on June 22, 1962 when an Irish-sponsored resolution recalling the past efforts of the UN and calling on the two countries to resume direct negotiations to resolve the dispute was voted on. The voting was 7-2 with two abstentions. But since one of the negative votes was that

of the Soviet Union, the resolution was deemed as being defeated by a veto. [Lakhanpal: 293-6]. The debate and discussions on this resolution brought out the nature of the changing US position on the issue of Kashmir and its reluctance to take positions that would be seen as anti-Indian. But, even as the discussions were taking place the clouds of another war, that between India and China, were hovering over the South Asian landscape. The consequences of the war were disastrous for India and portentous for the State of Jammu & Kashmir.



# *Direct Negotiations*

Running like a thread through the work of the UK, US and the UN, as well as the various mediators, to resolve the Jammu & Kashmir issue, were the direct efforts made by the two parties to sort things out themselves. Indeed, as we have shown, both the UN-appointed officials like Sir Owen Dixon and Frank Graham, too, concluded that the only chance to resolve the dispute lay through direct negotiations by the two parties. Actually, the first effort took place in the wake of the accession of the State to India and the arrival of the Indian forces in Srinagar and was mediated, in a limited sense, by the UK and the Indian Governor-General Lord Louis Mountbatten.

Given their recent relationship with Britain, the first efforts of each side was to appeal to British Prime Minister Clement Attlee, to intervene against the other on the issue. Attlee's suggestion was that the problem be discussed at a meeting of the two prime ministers, along with Maharaja Hari Singh. An opportunity presented itself on October 29, 1947 when a meeting of the Joint Defence Council was scheduled in Lahore. However, Nehru's illness, diplomatic or otherwise, led to its postponement to November 1, and instead of Nehru, Mountbatten who was also the Chairman of the Council, went ahead and represented India.

Since his counterpart was Mohammed Ali Jinnah, it became, instead, a summit of the two heads of state. On the

eve of the meeting, on October 30, Pakistan had come out with an inflammatory statement accusing India of scheming with Hari Singh to ensure the State's accession to India and of condoning communal massacres that led to the tribal raids. [Gupta: 129].

We have already detailed the course of the meeting and the discussions between Jinnah and Mountbatten. Its most interesting aspect was that Pakistan's Governor-General, who had been such a passionate advocate of the unfettered right of the Princely States to accede to either of the two Dominions, now wanted the British Governor-General of India to carry out a second partition based on communal lines, this time of Jammu & Kashmir State.

At the meeting, Jinnah had repeated Pakistan's charge that the accession had been brought on by fraud and violence. As we have pointed out earlier, that when Mountbatten had proposed a plebiscite to decide all such matters, Jinnah wanted the communal composition of the population to be the determining factor. He also rejected the former's proposal that the UN hold the plebiscite in the State, insisting that the matter could be supervised by the two Governors- General. Jinnah's three-point proposal would have side-tracked the Maharaja, Sheikh Abdullah and the Government of India, and given the power to administer the State to the two heads of state, who would then conduct the plebiscite. Mountbatten's proper view was that he was not authorised to negotiate on these issues, and not much came of the meeting.

On November 8, an Inter-Dominion Conference was convened in Delhi under the auspices of the Joint Defence Council. This time the two Pakistani leaders, Jinnah and Liaquat found it inconvenient to attend, and the Pakistani delegation, led by Sardar Nishtar, did talk about Kashmir, but there was practically no meeting ground.

By mid- November 1947, according to Sisir Gupta, "it had become clear that direct talks between India and Pakistan would not go far because of the opposite viewpoint held by





the two countries." The harsh charges made by Jinnah and Liaquat, and the information that suggested their complicity in the invasion, made it difficult for the Indian government to countenance direct negotiations.

The two sides now began to face off on what was now clearly a war between the two Dominions. [Gupta: 131-2]. This conflict raged through much of 1948, although it remained limited to J&K State. The following year was given over to the efforts of the UN to work out the resolutions of August 13 and January 5. So it was only in early 1950, that the two sides met again directly in the wake of an outbreak of communal violence in eastern India and Pakistan, leading to a surge of refugees coming into India. Liaquat Ali Khan came to Delhi and the Nehru-Liaquat agreement on minorities was hammered out. However, this agreement made no reference to the ongoing problem in Kashmir.

## Hope and Despair: The 1950s

The developments in the State, were not, of course, in a static ambience. Much had happened in Jammu & Kashmir since the Maharaja had signed the Instrument of Accession and had been forced to hand over the reins of government to Sheikh Abdullah in October 1947. The entire system of government had been transformed from an autocracy, to one with some popular participation based on a constitution and presided over by a legislature. True, there were many flaws in the process and the democracy was far from perfect, cronyism and corruption rife, but all this had happened in the space of just a few years.

The Indian Constitution was inaugurated on January 26, 1950, and it contained special provisions relating to Jammu & Kashmir. While Article I declared the State an integral part of the Indian Union, Article 370 gave it a special status unlike any other State in the Union. The powers of the Indian Union Parliament in Jammu & Kashmir were limited to defence,

external affairs, and communications. This step was followed by elections for a Jammu & Kashmir Constituent Assembly in 1951 to provide democratic underpinnings to the Abdullah government. Its members were freely elected by secret ballot, something that had been completely unknown in the State before, though only a small fraction of the electorate actually voted. This was not very different from the Constituent Assemblies of India and Pakistan, where the members were those who had been elected through limited franchise of some one-tenth of the population. Not surprisingly, the Sheikh's National Conference won most of the seats, and a large number of members were elected unopposed.

Even as the political situation in J&K stabilised and the State constituent assembly was underway, glimmerings of conflict between New Delhi and Srinagar began to appear. To ease the tension, New Delhi decided to clarify its relations with Kashmir. A delegation headed by Mirza Afzal Beg, including D.P. Dhar and Syed Mir Qasim was invited to Delhi and had intense talks with the Government of India. Later, Sheikh Abdullah joined his team and Pandit Nehru invited members of the opposition to participate in the talks.

The result was the Delhi Agreement of July 24, 1952. This significant agreement enshrined the unique relationship of the State with the Indian Union and the exceptional powers its legislature had, compared to those of other Indian states. The power of the President to declare emergency in the State could only be exercised at the request of, or in concurrence with, the legislature. The head of the state would be called the *Sadr-e-Riyasat* who would be nominated by the President, only after a recommendation of the legislative assembly. Several other privileges of the State were yet to be defined since it had not yet worked out its constitution.

On January 26, 1953, speaking at the Indian High Commission in Karachi, Pakistan Prime Minister Khwaja Nazimuddin revealed that there had been an exchange of letters between him and Pandit Nehru. But before there could be any





further development, the Nazimuddin government was dismissed and replaced by one headed by Muhammed Ali Bogra in April that year. In the ensuing months there were a number of statements and messages indicating that a new period of goodwill had arrived. On May 17, 1953, a Congress Working Committee meeting took cognisance of this and declared that the new atmosphere could lead to a solution to the India-Pakistan estrangement. A week later, in a prepared statement Prime Minister Bogra stated that there was no reason why India-Pakistan problems could not be resolved peacefully and that once these were settled, the resources being diverted for military purposes could be diverted to fight their common battle against poverty. [Gupta: 259].

This was, as we have mentioned in the previous chapter, at a time when the change of an administration in Washington and a number of international developments had intensified the Cold War, the Korean war was winding down into a stalemate, and the new Republican administration was shoring up its plans to combat the Soviet Union globally. Thinking about a new Middle East Defence Organisation, as a counterpart to NATO had begun through which Turkey, Iran and Pakistan—the so-called Northern Tier—would be created around the Soviet Union. In May 1953, Secretary of State John Foster Dulles had also toured the region and visited Pakistan and been suitably impressed by its determination to fight communism.

So informal discussions took place between Nehru and Bogra on June 5-6, 1953, on the sidelines of the Commonwealth Prime Ministers' Conference in London, coinciding with the coronation of Queen Elizabeth. Though quite extensive, these were of a preliminary nature and the main effort by both sides was to outline their respective positions. The main talks were held on July 25-27 in Karachi, when Nehru stopped over during his return journey. The talks were held, according to Gupta, amidst great enthusiasm with Nehru receiving a surprisingly warm reception. A joint communiqué issued on July 28 declared that the talks were "frank and cordial". It spoke of discussion

on a range of subjects from Kashmir and canal waters, to evacuee property, enclaves on the Bengal border. But it was made clear that "these talks were necessarily of a preliminary character." [Gupta: 262].

But before this, a crisis between the Union government in New Delhi and the National Conference government in Srinagar came to a head. After signing the Delhi Agreement in July 1952, the Sheikh seemed to have developed second thoughts and had been displaying a paradoxical tendency to undermine it in word and deed. It transpired that in May, the Working Committee of the National Conference had met and began considering alternative solutions to the Kashmir problem. The following month, June 1953, it passed a resolution suggesting a possible plebiscite in the State, with the alternatives for outright independence; independence with an Indo-Pak condominium on foreign affairs and defence; or the implementation of the Dixon plan, with independence also as an option for the plebiscite area. On July 16, 1953, apparently working to some plan, the Sheikh wrote a letter to the Union Education Minister, Maulana Abul Kalam Azad complaining that New Delhi was undermining the Delhi Agreement. [Lakhanpal: 245-9].

The government in New Delhi was clearly alarmed at this development. Maulana Abul Kalam Azad visited the State and was apprised of the new thinking in the National Conference by Union government officials. Nehru, who was to go to Karachi at the end of the month for discussions with Bogra, was kept aware of these developments. But the crisis eventually came to a head through a revolt in the National Conference Working Committee against the plans of the Sheikh and his close aide, Mirza Afzal Beg.

On August 8, the Sadr-e-Riyasat or Governor Karan Singh, dismissed the Sheikh's government and placed him and Beg under arrest. According to the notification announcing the dismissal, a majority of the Sheikh's cabinet had lost faith in his ability to govern the State on the principles of joint responsibility. [Gupta: 263-4].





Though this was a shocking development, it did not disturb the Indo-Pakistani waters too much. After all, as far as Pakistan was concerned, the Sheikh was a mere puppet of India and had little domestic support. He had, of course, also facilitated the State's accession to India, and his National Conference had fought shoulder-to-shoulder with the Indian Army in the dark days when the raiders had entered the Valley.

So the event had not much impact when, on August 17-20, 1953 Pakistan Prime Minister Muhammed Ali Bogra and Foreign Minister Zafrullah Khan paid a return visit to New Delhi, received the same enthusiastic public reception, and held talks with Indian leaders. The joint communiqué following the talks noted that the two sides agreed that "The most feasible method of ascertaining the wishes of the people was by a fair and impartial plebiscite." This had, of course, been agreed to earlier, but had got stuck on disagreement on the preliminary steps. Now, the two leaders said, these "preliminaries" would be worked out by them directly. They also agreed that in order to give some kind of a "provisional" time line, a plebiscite administrator be appointed by the Jammu & Kashmir government by April 1954. [Gupta: 270].

But almost immediately, the issue got wrapped up in controversy again. It had been clear from the reports on the visit in the Pakistani and international press that the two sides had agreed to dispense with Admiral Nimitz, the American official who had been appointed the plebiscite administrator in 1949. The idea was to appoint someone from a smaller Asian state. On August 27, however, there was a commentary in the *Dawn* seeing in this move an attempt to drive a wedge between the US and Pakistan and to take the issue away from consideration by the UN. In a letter to Nehru on the same day, the Pakistani Prime Minister also noted that there were several problems in holding regional plebiscites as suggested by Nehru, the primary one being the definition of the regions.

As for Nimitz, Bogra declared that that it would not be easy to replace him. He now brought up issues that had derailed the plebiscite in the first place."Supervision over the administration during the plebiscite period should be in the hands of an impartial authority or a joint Indo-Pakistan Commission" and that the troops of either country be excluded from the plebiscite area, or that there be a joint force in the area.[Lakhanpal: 251].

Nehru's reply of August 28, complained about the press campaign in Pakistan against him, and expressed regret at Pakistan's decision to vote with the US against other Commonwealth and Asian nations on a crucial issue relating to Korea in the UN. His more substantive reply was sent on September 3, 1953. Here, he elucidated on the necessity to keep Kashmir away from the Great Power quarrels. Nehru denied that he had suggested regional plebiscites:

> *What I suggested was that as a result of the plebiscite over the entire state, we should be in a position to consider the matter, so that the final decision should cause the least disturbance and should also take into consideration the geographical, economic and other important factors. Indeed any attempt to define regions rather prejudges the result of the voting.* [Lakhanpal: 253-4].

Nehru's point was clear. He was for the plebiscite, but he wanted Pakistan to carefully consider the consequences of its outcome in the interests of the people of the State. But on one issue he was blunt: No foreign troops would be allowed and neither would he agree to abrogate the authority of the J&K administration for any purpose. Given this exchange it is not surprising that after a detailed study of the Indo-Pakistan relations in this period, Lars Blinkenberg has concluded "*my main thesis [is] that Nehru, up to 1953-54 generally accepted the plebiscite scheme* and wanted conditions created which would have allowed it to be carried through. " [Blinkenberg vol. II: 120, emphasis in original].





## The American *Via Media*

General Ayub Khan tried to raise the J&K issue directly with Pandit Nehru when the two met in September 15, 1959 in Delhi airport, in May 1960 on the sidelines of the Commonwealth heads of government meeting in London, as well as during Nehru's visit to Karachi and Rawalpindi, but India appeared unwilling to take up the issue. Apparently, the Indian Prime Minister was upset that whatever he said, even in confidence, seemed to be leaked to the Pakistani media and therefore maintained, what one American diplomat said, was a "wall of silence."

But the two governments did manage a significant achievement in this period. This was to sign a treaty on the sharing of the Indus waters in 1960. From the outset, one of the trickier problems in partitioning the country had been the issue of river waters. Both sides were afraid that the other side would use water-management systems like headworks and dams to deny water to the other side. It was because of such concerns that Ferozepur was given to India in the Partition plan, even though it was a Muslim majority area. Jammu & Kashmir was even more central to these concerns. Rivers like the Indus, Jhelum and Chenab flowed through the State and the control of their waters was considered as an important strategic goal for Pakistan.

Disputes over water utilisation were resolved through the Indus Waters Treaty signed at Karachi by Ayub Khan and Jawaharlal Nehru in September 1960. Under the treaty, the waters of the three eastern rivers—Sutlej, Ravi and Beas— were given to India and those of the three western ones—Indus, Jhelum and Chenab—to Pakistan. The treaty was brokered by the International Bank for Reconstruction and Development, also known as the World Bank. Its American President, Eugene Black played a major role in the exercise.

Following the outbreak of the Sino-Indian war on October 20, 1962, the US on its own instructed its ambassador

to get President Ayub Khan to work out an understanding with India so as to maintain calm on the Indo-Pakistan border. Ayub refused to provide New Delhi any comfort by communicating with India, but he did more or less agree that Pakistan would not complicate the situation. As the conflict worked itself out over the next month, the US realised, with considerable prompting from Pakistan, that it offered an opportunity to push India to settle the Kashmir dispute.

Initially all that India had wanted from the US was to facilitate the acquisition of spares for US-origin equipment in its armed forces. The first formal Indian request for US assistance was made on October 29, when Galbraith met Nehru to deliver President Kennedy's letter of support. The situation created a new opening for US diplomacy relating to India and Pakistan, and Washington was not unaware of this.

On November 3, the US National Security Council transmitted a special report on the Sino-Indian developments to the US President. In an attached note, deputy National Security Adviser Carl Kaysen observed that perhaps the time had come to tell Pakistan some home truths, principal among them being the fact that the US alliance "had been of immense value to them." This was not in merely the economic and military goods, but the intangibles that came with an alliance that had enabled Pakistan to take a strong line on Kashmir. He added:

> *We are now beginning to confront them[Pakistan] with the fact that we are really not able to support their demand for settlement via plebiscite and that their best opportunity for settlement on terms something like ratification of status quo may be passing from the grasp.* [FRUS vol. 19: 363].

On November 12, Robert Komer said in a note to Kennedy: "The Pakistanis are going through a genuine emotional crisis as they see their cherished ambitions of using the US as a lever against India going up in the smoke of the Chinese border war." Even while advocating some sympathy,





Komer maintained, "I urge equally strongly that there be no give in our position. We have no need to apologise. If we compensate Ayub for our actions vis-à-vis India, we will be again postponing the long-needed clarification of our position...." [FRUS vol 19: 375].

Yet, the public and governmental hysteria in Pakistan over US aid to India continued to mount. Ayub's November 5 letter to Kennedy was as hostile to India as ever, and noted that only a settlement of the Kashmir dispute could resolve the problem of subcontinental security. Other officials began to speak of the need to withdraw from CENTO and SEATO, and hinted at closer ties with the Chinese. The US now began to express its irritation at the Pakistani attitude. US officials believed that they had given every assurance to Pakistan with regard to its security, including keeping it informed of the arms being supplied to India, and a public guarantee that it would act against India should it use these against Pakistan. Secretary of State Dean Rusk telegraphed the US Ambassador in Karachi that for Pakistan to believe anything else "is simply either questioning US integrity or attempting to pressure us into inadvisable actions against India". [FRUS vol. 19: 392-3].

In a personal note to Kennedy on November 13, 1962, Galbraith wrote of the change the Chinese attack had wrought in India. In conclusion he noted, "Eventually but not too soon the Indians must be asked to propose meaningful negotiations on Kashmir. This should not, incidentally, raise the question of a plebiscite, an idea in which there is no longer any future." Galbraith's view was that India and Pakistan should hold on to the mountain areas they controlled in Jammu & Kashmir and have "some sort of shared responsibility" in the Valley. But when the time came to push this, Galbraith suggested, it would be wise to have the British do it as a Commonwealth exercise. [FRUS vol. 19: 384] Even now, the US appeared unwilling to take the lead on the Kashmir issue.

As news of the Indian disasters in Se La and Bomdi La came in, Prime Minister Nehru appealed for direct American

military participation in the war. The US was, however, not convinced, even while sensing the major leverage the situation gave them to push India on the Kashmir issue. Fortunately, for India, the Chinese declared ceasefire on November 21 and the US was not able to obtain the clout it would have gained had it become more deeply involved in Indian defence.

Pressed to the wall by China, India began to think of possible compromise solutions. Y.D. Gundevia recounts how he had placed before Nehru a plan to offer a package to Pakistan. His formula was: "Modify the ceasefire line somewhat in favour of Pakistan and treat the new line as the international boundary." In his thinking, Poonch and the area north of the Kishenganga would be ceded to Pakistan. And, according to him, Nehru did not object and asked him to consult with the Defence Ministry for a "rational, but nonetheless defensible lines on the map of Kashmir."

The line worked out would be that eastwards from Keran, the Kishenganga would be the border. To the west of Keran, the Ceasefire Line would run roughly south, and presumably cede parts of what is now Kupwara district, and Poonch, while retaining Tithwal, Uri and Rajauri. What Gundevia was suggesting was a northward extension of the Radcliffe Line that formed the border between India and Pakistan, something that would give Pakistan an additional 4000 sq kms. [Gundevia: 244-8].

Following the Sino-Indian ceasefire, the Anglo-American countries embarked on their last major effort to mediate a settlement between India and Pakistan on Kashmir. Secretary of State Rusk kicked off the effort by telling Special Envoy Averell Harriman to impress on Ayub the importance of this juncture to US policy in South Asia. Harriman and his British counterpart Duncan Sandys met Ayub in Rawalpindi and discussed a draft communiqué that India and Pakistan could issue to resume their bilateral talks. The wrangle over the communiqué eventually issued on November 30 has a contemporary resonance: Pakistan's suggested language was





"to resolve the Kashmir problem" but on Indian insistence they agreed to "on Kashmir and other related matters." Ayub told Harriman that "Kashmir be named as *the* problem." So:

> *Both Sandys and I made it plain that it would be impossible to hold a plebiscite, that the Vale as such could not be transferred to Pakistan, but there was an understanding in India that they had to make certain concessions beyond the present ceasefire line. Ayub accepted the situation and recognised that negotiations on Kashmir might last a considerable time....*[FRUS vol. 19: 410].

The American perspective was shaped by the circumstances, as well as India's call for military aid which, at this time, at the end of November, they were viewing as a major long-term requirement. Repeatedly, American officials made it clear to New Delhi and Karachi that they could not provide military aid to both countries and see most of it deployed by them against each other. In the week he spent in New Delhi at the end of November 1962, Harriman met Nehru four times. In his second meeting in which he met Nehru alone, the Prime Minister outlined the detailed history of the negotiations with Pakistan on Kashmir and the failure of the efforts. In their discussion on the basis of a settlement, Nehru emphatically rejected the idea of dividing the State in half, or giving it an independent status. This was a point he repeated to Galbraith, when the latter delivered Kennedy's letter to him in early December.

The initiative on resolving the Kashmir issue was now being taken by the US, even though, in an interesting reversal of roles, it was the Americans pushing the British ahead to handle the task under the aegis of the Commonwealth. This was the burden of a letter Kennedy wrote to British Prime Minister Harold Macmillan, in which he also suggested that they find a high-level senior official who could move between Delhi and Karachi "and is yet not in any formal way a

mediator." [FRUS vol. 19: 419-20]. On the other hand, the US faced constant pressure from Pakistan arguing that minus US pressure, India would not be inclined to negotiate.

In his response, on December 13, 1962, Macmillan noted that getting an Indo-Pakistan agreement on Kashmir was difficult:

> *In any agreement Pakistan must obviously keep the part of Kashmir she at present occupies (with perhaps some adjustments) and the Indians must keep Jammu and Ladakh. The problem centres on the vale of Kashmir. A plebiscite will never be accepted by the Indians. It is possible that they may agree to the vale of Kashmir becoming an autonomous state guaranteed by both India and Pakistan.* [FRUS vol. 19: 431].

## Bilateral Negotiations: Bhutto vs Swaran Singh

India and Pakistan had six rounds of Ministerial-level talks beginning in Rawalpindi in December 1962 and ending in New Delhi in May 1963. The Indian delegation was led by the phlegmatic Minister of Railways, Sardar Swaran Singh, and the Pakistani side by his counterpart, the mercurial Zulfikar Ali Bhutto, then Minister of Industries. The other members of the Indian delegation included G. Parthasarthi, the newly appointed High Commissioner to Pakistan, B.L. Sharma, the Kashmir specialist from the Ministry of External Affairs, Shankar Prasad, an civil service officer from the Ministry of Home Affairs, Brig. D.K. Palit who was the Director Military Operations and Y.D. Gundevia, then Secretary, Commonwealth Relations.

The discussions featured talks at the official level by the two delegations, as well as parallel discussions between the two leaders—Swaran Singh and Bhutto. The US and UK which had promoted these talks played a carefully calibrated and, undoubtedly, key role in the background. They developed their strategy in considerable depth and the importance they assigned to their efforts is visible in the declassified documents





which indicate a great deal of strategy sessions involving the topmost British and American officials, including on occasion, President Kennedy and Prime Minister Macmillan themselves.

In an Anglo-American summit at Nassau shortly after the ceasefire, the issue was discussed threadbare and Sandys made the point that the ideal tactic was "to avoid having the parties come quickly to the crunch." Talks should be spread out slowly and if they do so, the Anglo-Americans "could probably exercise a certain amount of influence." The US was sensitive to India's view that the talks should be seen as a bilateral exercise. However, internally they were preparing to put forward proposals, should the bilateral effort appear to falter.

The first round of talks took place on December 26-29, in Rawalpindi. In five sessions, the two sides reiterated their basic points of view: Bhutto wanted a solution based on the UN resolutions that required a plebiscite, while Singh declared that India was secular state and would not countenance a plebiscite based on religious grounds. The Pakistanis bowled a googly on the opening day of talks by announcing that they had reached an agreement on the demarcation of the border between Pakistan-Occupied Kashmir and China.

The Indian delegation seriously considered abandoning the talks because of this calculated provocation. In the Indian view, Pakistan which had no legal claim to the Northern Areas, or any other part of J&K was bartering it away to China, a country that had just recently attacked India. According to Gundevia, India made it clear that New Delhi was ready to discuss "anything and everything", provided Karachi, too, was game.

Pakistan therefore catalogued its wish list—self-determination, plebiscite, the UN resolutions. For its part, India maintained that the wishes of the people of the State had already been determined by free and fair elections, and as for the UNCIP resolutions, India's views on their sequencing were well known. The Indian bottom line was that "there were other solutions possible of the Kashmir issue," besides the ones that had been tried and had failed earlier. [Gundevia: 263-6].

The second round of talks between, January 16-19 in New Delhi, were thus held in a somewhat unpropitious atmosphere. The talks went through the detailed history of the Kashmir dispute, the UN resolutions, their various interpretations, the mediatory efforts of Jarring, Dixon and Graham. Finally, after considerable discussion, the two sides came up with a joint draft statement of objectives which would remain confidential till the opportune moment. It would stress the need for "possible overall, political settlement on a realistic basis, leading to the delimitaiton of an international boundary between India and Pakistan in Kashmir." [Gundevia: 273].

Both sides also put forward what they felt were the guiding principles for such a settlement, though there was no agreement on them. Pakistan declared that there be ought to be a territorial division taking into account composition of population, control of rivers, requirements of defence and so on. While the Indian delegation said that such territorial readjustments must take into account geography, administrative history and the need to ensure that there was least disturbance to the life and welfare of the people of the State. [FRUS vol. 19: 477-8]. The word plebiscite, Gundevia noted, did not figure in the discussion.

Just as things were getting underway, Perfidious Albion struck. Sandys resurrected the ghost of an old British proposal—internationalising the Valley—in this case for ten years and the holding of a plebiscite thereafter. Karachi naturally jumped at this proposal which was acceptable to neither the US, nor India. As Komer noted correctly, "We simply doubt Indians would ever give up the Vale, especially if after ten years it would revert to Pakistan. Therefore we have worked out a partition scheme which we're prepared to throw into the breach if the talks seem about to break down." [FRUS vol. 19: 486].

The Pakistani stand began to harden and this was manifested by Ayub's demand conveyed by Bhutto to High Commissioner Partharsarthi in Karachi that India should give a commitment to hold a plebiscite in Kashmir within the year.





[Gundevia: 274]. Separately a suggestion was also conveyed through Pakistani ambassador Aziz Ahmad in early February 1963 to President Kennedy that the Valley be placed under UN control for a year, and thereafter handed over to Pakistan. He even suggested that the US interpose itself as a mediator to aid the talks. Kennedy wrote back to Ayub that there was little or no chance that India would be willing to accept such a procedure, even if it could be persuaded to make "painful concessions" towards a settlement.

By the time of the third round of talks in Karachi between February 7-11, Bhutto had been appointed Foreign Minister. This was the round in which, for the first time, the two sides put forward their partition proposals. According to Gundevia, the Indian side had gone to the meeting with four maps, with the first showing the minimum concessions they wanted to offer and the fourth the maximum. All of them modified the Ceasefire Line in favour of Pakistan. Bhutto rejected Swaran Singh's minimalist offer of the Kishenganga line pointing out that at the least, Pakistan wanted the entire Valley. [Gundevia: 279].

According to a memo for the US National Security Council, "India led off with an offer which included limited but significant concessions to Pakistan beyond the ceasefire line." Pakistan, however overplayed its hand by proposing a partition which would keep all of Kashmir, Ladakh, even parts of Hindu-majority areas with Pakistan, and leave a small southern corner of Jammu for India. [FRUS vol. 19: 494-5]. According to Gundevia, when Bhutto was asked what the Pakistani version of the modifications would be, he pointed to the region around "the little town of Kathua on the Kashmir-Himachal border." [Gundevia: 280]. Clearly, it was not concession, that Bhutto and Ayub appeared to be seeking, but an abject surrender by India.

Privately, in letters to Kennedy and US officials, the Pakistanis insisted that the furthest they could go was to some version of the Dixon plan for a limited plebiscite with partition,

but as their ambassador wrote to Secretary of State Rusk, Pakistan "would not insist on an immediate transfer of the Valley provided irrevocable arrangements are made at this stage for the final disposition of the Valley and the adjoining Muslim territory of Ladakh" either through plebiscite or some other method. [FRUS vol. 19: 502].

By early 1963, the Anglo-American position on the talks became clearer. For the fourth round in Kolkata, they planned to push India to give a more substantial position to Pakistan in the Valley. They expected Pakistan to put the internationalisation idea on the table and hoped to use it to soften India into making concessions in the Valley. In a major meeting, they sought and got presidential permission to step up their behind-the-scenes involvement in the talks. At the same time they were beginning to realise that Pakistani positions, whether the ones presented in Karachi during the second round, or conveyed thereafter, were much more unrealistic than those presented by India.

On March 2, on the eve of the fourth round, Pakistan's new Foreign Minister travelled to Beijing to sign a boundary agreement with China. This had undoubted repercussions in New Delhi because both Karachi and Beijing clearly timed the settlement towards pressuring India. By the beginning of March it was becoming clear to some US officials that the "odds are against an early Kashmir settlement." As Bob Komer noted, "The waning prospects for a Kashmir settlement have been further dimmed by (a) Pakistan's border agreement with Peiping, which had given India a new excuse for stalling; and (2) Pakistan's still adamant refusal to consider any form of partition which doesn't give it the Vale." [ FRUS vol. 19: 516].

At the same time Komer pointed out that the British were still viewing internationalisation as a preferred solution, something that would be "a flat non-starter" from the Indian point of view. Komer's forebodings proved correct and the fourth or Kolkata round of the dialogue, that took place between March 12-15, failed to achieve anything. According





to Gundevia, Bhutto did not come up with anything more than his Kathua solution, while the Pakistani delegation spent most of the time trying to persuade the Indian delegation to discuss the issue of infiltration from East Pakistan separately.

The US now decided to up the ante with India which they felt was vulnerable to pressure, given the ongoing negotiations between the Anglo-Americans and New Delhi for air defence support. In his discussions with Indian officials, Foreign Secretary M.J. Desai and Gundevia, British and American officials tried to push the Indians for more territorial concessions in the Valley, as well as provide some kind of a say on the Chenab basin. The Indian view was that Pakistan's interests in the Chenab basin were more than adequately protected by the Indus Waters Treaty, and that any Indian concession would make it impossible to defend Ladakh.

Galbraith telegraphed Washington that he had now decided on proposing a blunt political bargain to India. This would be a US decision to provide India substantial military aid, including the setting up of an Indian defence industry and an air defence system, in exchange for an Indian commitments to divide the Valley of Kashmir and iron-clad guarantees to Pakistan on river waters. He wanted India to propose the basic outlines of this plan to the Pakistanis in the next round of talks at Karachi. If India agreed to a settlement along these lines, Galbraith said, the US would substantially aid India to build up its air force.

But the Department of State and the British differed with Galbraith's "bazaar-level" offer to India. They felt that more common ground needed to be built up before putting the final squeeze on the two parties and that while Galbraith's tactics could effect a breakthrough, the result could be "an open ended military commitment to India." [FRUS vol. 19: 526-30].

Nevertheless, Ambassador Galbraith decided to go ahead and broach the matter of "dividing the Valley, with appropriate arrangements" directly with Nehru at a meeting on April 15, 1963. Nehru had earlier more or less agreed with

the idea of territorial concessions for Pakistan in the Valley. But for him that spelt itself out in the maximal Indian offer, which was to give up a small portion of the north-west part of the Kupwara district, but when he was confronted with this draconian proposal, he rejected it out of hand. This refusal more-or-less ended the possibility of Indian territorial concessions as a means of resolving the issue.

Later, in a letter to Kennedy, Prime Minister Nehru complained, "Intervention by third powers, if quiet, unobtrusive and objective, might have been helpful; but public and semi-public efforts at pressure had only worsened the situation." Nehru's letter, based on his belief that the Western powers were playing a double-game, made it clear that there were limits to what India would be willing to do in exchange for Western military aid. [FRUS vol. 19: 553].

Despite this, the Anglo-Americans felt that given all the ups and downs, the fifth round scheduled for April 22-23, 1962 in Karachi was crucial. The instruction to their officials was to press both India and Pakistan to provide substantive concessions to the other side on the Valley – in other words, the Galbraith plan. A document outlining the "Elements of a Settlement" was circulated in Karachi and its key points were:

- *Neither India nor Pakistan can entirely give up its claim to the Valley and thus each must "have a substantial position in the Vale."*
- *Both must have assured access "to and through the Vale" for their defence purposes.*
- *The strategic concerns of both sides must be kept in mind, viz. India's in Ladakh and Pakistan's in water storage issues in the Chenab valley.*
- *Both sides must have clearly defined arrangements for sovereignty and for the maintenance of law and order; for*





*political freedom and local rule; free movement of people across the partition line and so on.* [FRUS vol 19: 534].

According to Gundevia, "The 'Elements' contained everything that Pakistan had so far demanded, everything that we had, in hours upon hours of repeated and tedious discussions, explained we could never yield on." [Gundevia: 290].

From New Delhi it appeared that the Anglo-Americans had now thrown their combined weight against India, in favour of Pakistan. The other point that emerged, and caused great resentment in New Delhi, was that the "Elements" had been given to Bhutto, but not to his Indian counterpart. Indeed, the Indian side learnt of them through High Commissioner Parthasarthi, who had received them from British and American officials in Karachi. This seemed to deepen Indian suspicions that the Anglo-Americans were working closely with Pakistan, behind India's back, rather than playing the honest broker.

The result was that the Indian delegation went to Karachi and decided that since they had not been formally given the "Elements" they would let Bhutto raise them. But neither Bhutto, nor the Pakistani delegation came up with the proposals. In the discussions, India repeated its February CFL-plus offer, while the Pakistanis insisted on their maximal plan of the Jhelum and Chenab basins. [Gundevia: 292].

Just how tangled and distant the settlement appeared was evident from a visit in early April 1963 of a new actor in the drama, Walt W. Rostow, Chairman of the US Policy Planning Council to the subcontinent. In a note to Kennedy he pointed to the difficulties of getting each side to give concessions to the other. Ayub, he said, remained suspicious of Nehru and felt he was unreliable. On the other hand the Indians like Foreign Secretary M.J. Desai felt that given Pakistan hostility, what was the point of giving any concessions? And, he added, "after I heard Dehlavi [the Pakistani Foreign Secretary], I was damned if I knew what I could have replied

to Desai." [FRUS, vol. 19: 539] Rostow's main point was that India and Pakistan needed to look at issues other than Jammu & Kashmir. In his view, unless these, too, were resolved and there was greater trust between the two countries, there was little chance that the Kashmir problem could be resolved.

The sixth and final round of Ministerial talks took place in New Delhi on May 14-16, 1963. Bhutto took up the argument from where he had left off: The Valley should be transferred to Pakistan and some temporary arrangements could be made for the period in which India needed it for its defence of Ladakh. He also made an alternate suggestion that the Valley be internationalised for ten years and then the wishes of the people ascertained. Swaran Singh turned down both suggestions saying that Pakistan was going back to the arguments over rights and claims. He once again put forward the Indian modified Ceasefire Line proposal. At the conclusion the two sides issued a joint statement in which they noted "with regret" that no agreement could be reached in settling the Kashmir dispute.

But before the Anglo-Americans bowed out of the process, yet another round of mediation was mooted in the wake of the failure of the Indo-Pak direct talks in 1962-3. This time, the original proposal came from Prime Minister Nehru who first broached it with another ghost of the past— Lord Mountbatten— in New Delhi in May 1963 and later taken up with Dean Rusk. [FRUS: 570n] There was talk of getting Eugene Black, but that would have been difficult because India had rejected him earlier, the name of Ellsworth Bunker, a senior US official, was also spoken about. Pakistan was less than keen, with Ayub suggesting that a panel, rather than an individual, look into the issue.

The formal Pakistani response was set with so many conditions that it was almost designed for failure: Pakistan would agree only if there was a time-limit to the mediation process; in this period, the US must freeze long-term military aid to India; and that the mediation be based on the UNCIP resolutions. The American assessment of these conditions was





that Pakistan did not expect much from the mediation, but hoped instead to use it to delay the military aid to India.

By mid-1963, the failure of the talks and the general downslide in Indo-Pak relations, in part because of Bhutto's hints at a Pak-China defence agreement, led to some Indian unease. But on August 7, the Anglo-Americans decided to break the ice by formally presenting in New Delhi and Karachi, a draft communiqué calling for a mediator to be issued by the leaders of India and Pakistan. Nehru now raised the issue of the poor climate of relations between the two countries and observed in an August 11 letter to Kennedy that "Mere pushing ahead of institutional arrangements for a mediatory effort, regardless of the current climate, is no solution and might even make the situation worse." [FRUS vol. 19: 634].

The letter was advance warning for the *coup de grace* that came after Prime Minister Nehru outlined the history of the talks with Pakistan in mid-August to the Lok Sabha. Nehru said that the talks had failed because Pakistan wanted a settlement that was entirely on its own terms. With regard to mediation, the Prime Minister noted that India had mooted it with a view to obtaining a fair and equitable settlement to the dispute, but the terms of reference proposed by Pakistan made success difficult. [FRUS vol. 19: 639 n.3] Subsequently, in an *aide memoire*, Pakistan buried the mediation idea by putting additional conditions and comments.

By the time President Kennedy was assassinated, on November 22, 1963, the Anglo-American efforts towards resolving the Kashmir dispute were more or less over. Both the US and UK had indeed worked intensely to get India and Pakistan to resolve the issue on what they believed were fair terms, but had hit a rock of obstruction and evasiveness, mainly from Pakistan. In some measure, the problem lay in the man who spearheaded the Pakistani effort— Foreign Minister Zulfikar Ali Bhutto. Many American commentators referred to his obsessive fear, if not hatred, for India and unfounded Pakistani fears of an Indian attack.

This was brought out in a State Department memo in November 1963 noting, "Pakistan has added a new dimension to its tactics and appears to be attempting 'to prove' its charge that India has aggressive intentions against Pakistan." The reference was to a spate of notes claiming that India had stepped up military activity along the ceasefire line, and that US equipment was being given to units facing Pakistan. US officials, for their part, discounted these allegations. [FRUS vol. 19: 685].

In assessing the 1963 talks between India and Pakistan, one cannot but be struck by the fact that from the outset, Pakistan seemed to go out of its way to sabotage the talks. The announcement of the border deal with China on the eve of the first round, Bhutto's decision to travel to China to finalise the agreement on the eve of the fourth round in Kolkata could not but have been aimed at rubbing India's nose on the ground. Even more telling was Bhutto's minimal offer – that India retain only the south-east tehsil of J&K, Kathua, not even the rest of the Jammu division. This certainly did not bespeak of a country seeking a pragmatic settlement of a debilitating dispute.

The alternate hypothesis is that caught up in its own propaganda, Pakistan could not accept any solution short of the maximal, and was thus not negotiating seriously. Its primary aim was to delay, if not derail, the growing India-US congruence, and in particular, the promised military aid.

At the end of the year, there was an event that once again focused attention on the internal dynamics of the state. This, so-called Hazratbal incident, arose out of the theft of the holy relic, said to he the Prophet's hair, from its' shrine of Hazratbal. Though the situation was quickly brought under control and the relic recovered, the political upsurge convinced Pakistan that there were fish to be had in the troubled waters of the State. In early January 1964, using the incident, as well as some steps taken by the Prime Minister of the State, Bakshi Ghulam Mohammed to further integrate the State in the Indian Union, Pakistan raised the issue in the UN Security Council.





On February 3, 1964, Bhutto led off the discussion on the subject by declaring that Kashmir was facing "open rebellion" against Indian rule, adding for good measure that instances of communal rioting in Kolkata, too were linked to "Indian repression." The Indian delegate, M.C. Chagla pointed out that both Hindus and Muslims had jointly demonstrated against the local government in Kashmir; there was no communal angle to the incident. As for Kolkata, it was a reaction to riots in East Pakistan. The debate carried on through the first half of the year.

There was a marked shift in that no resolution was mooted. But what was apparent was the British persistence in advocating external mediation, while the US took a general view urging a settlement. The Soviet bloc firmly supported India, and at the end of the day, the President of the Council, summarised the debate in two parts – the first on issues where there was unanimity such as the need for a settlement, the need for the parties not to aggravate the situation and so on; as well as a second part where some members felt that the Secretary-General could assist parties to facilitate negotiations, and others who felt that the negotiations would be compromised by external elements. [Gupta: 357-60].

Another manifestation of the new dynamics was the release on April 8, 1964 of Sheikh Abdullah and his reconciliation with Pandit Nehru. Abdullah came to Delhi later that month and stayed with the Prime Minister as his guest. After talks in India, the Sheikh, accompanied by a large delegation, went to Rawalpindi and met President Ayub Khan on May 24 and announced two days later, that as a result of the meetings, a summit would take place between the Indian and Pakistani leaders in June. Unfortunately, the very next day, on May 27, 1964, Prime Minister Nehru died.

There are varying accounts of what transpired between Abdullah and Ayub. The Pakistani leader claimed that the Sheikh had brought a proposal for an Indo-Pakistan confederation as a means of resolving the Kashmir issue, and

that he had dismissed the suggestion. Abdullah, on the other hand, later noted that he made no specific proposals, but that he urged both parties to fashion one based on a sympathetic consideration of the others' viewpoint. [Abdullah: 154-5].



# *War and War Again*

The failure of the UN, the Anglo-American mediation and Abdullah's efforts to work out an India-Pakistan summit, led to the next major move on Kashmir. In August 1965, India's oft-expressed fears of Pakistan using its Azad Kashmir militia to force a military decision on the State came true. In an elaborate plan, thousands of Pakistani irregulars, most of them from Azad Kashmir militias, crossed the Ceasefire Line. The plan envisaged the capture of the radio station in Srinagar, and the declaration of independence. When tough Indian reaction — and the failure of the Kashmiris to rise in revolt — led to the collapse of the plan, India's second set of fears, also, came true.

On September 1, 1965, Pakistan used its American-supplied armour and weapons to launch a conventional attack across the working boundary in Jammu. The Pakistanis had used the US-supplied armour to confront India in the Rann of Kutch earlier that year and there had been no reaction from Washington, so they anticipated none now. In any event, the US, focused on Southeast Asia, and probably fed up with both India and Pakistan, declined to get involved, after declaring an embargo on all arms supplies to the subcontinent.

The extent to which Sheikh Abdullah was privy to the Pakistani plan is a matter of speculation. But in his memoirs, Duane Clarridge, a CIA officer, indicates that he was. Just how much store we can set by Clarridge's statement is a matter of

judgment since the Sheikh's autobiography is silent on the issue and in any case, he was no longer around when the charge was made, and the Government of India documents on the issue remain unavailable.According to Clarridge, who claims he met Abdullah in Paris and Jeddah sometime in early 1965, "the Lion of Kashmir basically gave me the whole plan of the Pakistanis for Kashmir." [Clarridge: 103-104].

This *Operation Gibraltar* that began on August 5, 1965, hearkened to the Operation Gulmarg in more ways than one. In 1947, Akbar Khan had taken as his *nom du guerre* 'Tariq', the name of the Arab conqueror of Gibraltar. Major General Akhtar Hussain Malik, the planner of *Op Gibraltar* thought he had learnt the lessons of the 1947 campaign well, but apparently he had not. Though Pakistani irregulars effectively penetrated the Ceasefire Line and began acts of sabotage in the Valley, they did not make much headway. There was no mood for a revolt in the Kashmir Valley. Most of the infiltrating Pakistani personnel were detected and captured. The *Gibraltar* teams did disrupt communications and create enormous difficulties for the Indian forces in the Poonch-Rajauri area, but when the Indians struck back and captured the Haji Pir pass, Malik was compelled to launch a powerful armoured strike by regular forces, called *Operation Grandslam*, on September 1, 1965 in a bid to cut the Jammu-Srinagar road.

The surprise attack nearly succeeded, and in a bid to ease the pressure, India launched its own counter-attack across the international border in Punjab and Rajasthan on September 6. When the fighting drew to a close on September 22, Pakistan was once again on the brink of a wider defeat, it managed to salvage the situation partly with the help of its new Chinese allies, who issued an ultimatum to India to accept a ceasefire, as well as the Indian Army chief Gen J.N. Chaudhury's poor assessment of the situation. The 1965 war occupies a somewhat strange place in Pakistani history. September 6, the day India counterattacked is celebrated as "Defence Day" in Pakistan, memorialising the day on which Pakistan beat back an Indian





attack, but *Grandslam* and *Gibraltar* are conveniently kept in a separate "Kashmir" compartment. In many circles, the myth of Indian aggression and Pakistan's heroic resistance to the Indian hordes continues to be given play, though the war has generated a great deal of first-rate professional debate and discussion within Pakistan's armed forces.

In April 1965, when clashes had broken out in the Rann of Kutch, India had complained to the UN Security Council about Pakistan's flagrant aggression. But thereafter both sides had accepted arbitration. However in August when Pakistani infiltrators entered the Valley, both sides remained silent—Pakistan for obvious reasons, and India because of its past experience with UN intervention in Kashmir. But the UN military observers stationed along the Cease Fire Line reported the development to the UN.

According to Secretary-General U Thant's report on September 3, "the series of violations that began on August 5 were to a considerable extent in subsequent days in the form of armed men not in uniform, crossing the CFL from the Pakistan side for the purpose of armed action on the Indian side." This, he said, was the conclusion reached by General Nimmo on the basis of investigations by the United Nations Military Obsevers Group in India and Pakistan (UNMOGIP). [Sharma:161-2].

So, on August 9, the Secretary General U Thant had written letters to the Pakistan government calling on it to observe the ceasefire line, and to India, asking it to desist from retaliatory action. As U Thant later recounted, Pakistan refused to give the assurances sought, while India accepted the Secretary-General's suggestion. The Indian side withheld retaliation till a series of attacks, of varying intensity, made if difficult not to react. India crossed the CFL and captured some important posts in Kargil (these had been captured in May as well, but returned on the appeal of the UN) as well as the Haji Pir pass. As for the UN Security Council, it remained passive, despite reports flowing into New York from the international media, as well as the UN military observers. [Sharma: 169].

After the plan to trigger a Kashmiri revolt failed and Pakistan launched *Operation Grandslam*, U Thant again wrote to the two parties as to whether they intended to uphold the old ceasefire agreement. In 1947-48, the UN had refused to confront the issue of Pakistan-backed tribal raid that touched off the war, a factor that undoubtedly coloured India's responses to the UN resolutions thereafter. But this time, UN Secretary-General's Chief Military Observer had himself clearly indicated that the militants infiltrating from Pakistan-Occupied Kashmir had initiated the hostilities, yet, the UN's response was ambivalent.

"Without any attempt to apportion blame," noted U Thant's letter of September 1, " it may be said that such actions now come from both sides of the line, involve an increasingly large number of armed men on each side....Most serious of all, ... regular army troops from both countries are now engaging in military action across the line." The only difference was that while U Thant appealed to Pakistan to prevent the crossing of the CFL, it was silent on the issue with regard to India.

So on September 4, when the Security Council debated the issue, while the Indian delegate recounted familiar complaints, including the Indian fears on how Azad Kashmir would be a danger to Kashmir's security, Pakistan sought to buy time. This was at the time when the Grandslam offensive appeared to be on the verge of success. While the permanent members remained quiet, six non-permanent members introduced a resolution which was unanimously accepted.

Though it was based on U Thant's September 3 report that clearly noted that the armed men from the Pakistani side had transgressed the border, it called on the two parties "to respect the cease fire line and have all armed personnel of each party withdrawn to its own side of the line." This was a call to restore the *status quo ante*, and so India accepted this, but Pakistan waffled because it felt it was in sight of victory. [Sharma: 251]. On September 6, Pakistan finally came up with its considered reply to U Thant's September 1 appeal and the September 4 resolution.





The Pakistani argument was a cocktail of all its past dissimulation and subterfuge. First, it claimed that it was not Pakistan that had violated the ceasefire line but India, and that had been doing so over a long period of time. Second, it declared there had been a revolt in Kashmir and expressed regret that the UN appeared to have concluded that armed men from the Pakistani side had caused it. The true story, according to Pakistan, was that Azad Kashmir forces, with some help from the Pakistan army had resisted Indian "aggression." Pakistan would not accept *status quo ante*, till the UN acted on its previous resolutions on self determination for the Kashmiris. It is clear, that till this point in time, Pakistan felt that it was in a position to alter the *status quo* and thus intended to continue its operation. [Blinkenberg vol. I: 220-1].

But September 6, the date of the Pakistani reply was also the day India had launched its counterattack across the international border towards Lahore. So when the Security Council met to discuss the new situation, the Pakistani delegate suddenly realised that this attack was a new situation, unparalleled in UN history.

A fresh resolution was again moved by the same non-permanent members, and it had elements common to the other resolution, but reacting to the Indian anger, now manifest, it specified that the two sides should return to positions as of August 5. The debate once again brought out the limits to the UN Security Council's ability to handle the Kashmir conflict. Though there was categorical evidence, gathered by the UN military observers themselves, influential members like the UK and US sought to somehow equate the Pakistani action with India's defensive reaction. [Sharma: 171]. Following this, the Secretary-General himself travelled to the region and met both, Prime Minister Shastri and President Ayub Khan. After his meetings, he made an appeal for an unconditional and immediate ceasefire to be effective as of September 14. India immediately accepted the proposal, but not Pakistan, which, having gambled, now wanted to take

something away from the table. It said it would only agree if the resolution contained a self-executing clause that would lead to the final settlement of the Kashmir issue. It also wanted a withdrawal of Indian and Pakistani forces from the State and a UN force sent there. Yet, in his report, of September 16 the Secretary-General chose to be even-handed and told the Council that India had accepted the suggestion, and Pakistan was yet to reply. He recommended that the UN Security Council order the two sides from desisting from further military action under Article 40. [Blinkenberg vol. I: 223].

On September 8, there were two external developments. Britain and the US announced that they were suspending military aid to both sides. This was not quite saying that they were washing their hands of the subcontinent, but near enough. On the other hand, another external actor announced its decision to intervene, albeit indirectly. On that day China sent a note to India complaining about the latter's violation of the border in Sikkim in the preceding two months.

Then, on September 17 China sent what amounted to an ultimatum to India. This was clearly meant as a signal of support for Pakistan. There were reports of troop movements and Chinese patrols appeared at Nathu La, on the Sikkim-Tibet border.

When the Security Council met on September 17th, the Indian representative said that India was willing to accept an unconditional ceasefire, even while pointing out that the UN reports were quite unambiguous about Pakistan being the aggressor in the conflict and the need for the Council to act on the score. The Pakistani representative replied the next day saying that a mere ceasefire was not sufficient, and that the UN should act to resolve the basic problem of Kashmir.

In the Security Council, opinion was divided. While the Netherlands wanted Article 40 to be invoked, in other words, Chapter VII mandated directions to both sides. Russia and France opposed it. Malaysia backed India and questioned the rationale of equating it with Pakistan. While some members





did feel that the political issues needed to be considered, the overwhelming opinion was that the Council should get the two countries to cease fire.

For the first time since the Kashmir problem landed up with the UN, the Security Council passed a resolution on September 20 that *demanded* something, in this case, a ceasefire by September 22 and a withdrawal to August 5 positions. It also *decided* that after it became operative, the UN would consider "what steps could be taken to assist towards a settlement of the political problem underlying the present conflict." Observers say that this latter clause was a face saving device for Pakistan, and as such became evident subsequently. [Blinkenberg vol. I: 224].

Once again, India quickly accepted the resolution, while Pakistan hesitated for a while, trying to push the UN to have the self-executing process for settling the dispute. This was the famous occasion that provoked Bhutto to threaten India with a thousand-year war, and pressure its friends by declaring he would take Pakistan out of the UN.

There were some interesting elements in the role of the UN in 1965. Though India had been attacked, it did not ask for the meeting of the UN Security Council. As Sharma has pointed out, almost all the meetings of the council before September 4, 1965, and after the first series of meetings of 1948, had taken place at the request of Pakistan. Despite clear evidence of Pakistani aggression, the UN had refused to address itself to the primary Indian complaint. In 1965, too, despite the evidence of its own observer group, the UNSC had gone out of its way to be even-handed. However, unlike 1948, they had acted with more speed and unanimity.

The September 4 and 6 resolutions were accepted unanimously, as indeed was the September 20 one, barring Jordan's abstention. Yet, the bottom line adopted by the Council was that there could be no change of the ceasefire line unless there was a wider settlement. The fact that it was not felt

necessary to recall past resolutions was a measure of the erosion that Pakistan had suffered in the UN. [Sharma: 179].

Though the war ended on the date set, the UNSC continued to debate the issue through the rest of the year. The Pakistani effort was to get the UN involved in the political aspects of the problem, while India, fed up with Pakistani efforts to bring, what it saw as extraneous matters into the debate, withdrew from the Council's deliberations. On November 5, 1965 the Council passed a resolution calling on both sides to observe the ceasefire and withdraw troops that had crossed the ceasefire line or the international border. But the earlier unanimity was missing—Jordan abstained, as indeed it had done on the original ceasefire resolution, and so did the Soviet Union, which was now moving to play the role of mediator. Britain and the US, who had for the past decades taken the lead on Kashmir, chose to remain in the background. Now that ceasefire had been achieved, the UN, too, wanted to close the issue and let the Soviets deal with the situation, since none of the other major powers seemed inclined to take the burden.

The two countries met at Tashkent between January 4-10, 1966 under Soviet aegis. A declaration adopted after intense negotiations (Pakistan refused to use the word 'agreement') committed India and Pakistan to withdraw all "armed personnel" from each other's territory. On Kashmir, both reiterated their points of view, but at the same time affirmed the need to uphold the UN Charter. [Blinkenberg vol. I: 231-2]. Despite having the edge, in terms of holding vital territory—the Haji Pir Pass and areas adjacent to Lahore and Sialkot—India agreed to a pullout without seeking anything more substantial than this. Prime Minister Shastri's tragic death at the end of the Conference probably persuaded most Indians to accept an agreement, which may have otherwise proved difficult to defend.

The 1971 India-Pakistan war was not over Kashmir, but East Pakistan. Even on the subject of Bangladesh, Pakistani attitudes are clouded by myths filtered by the distrust and





morbid fear of India. Many Pakistanis see the war as a deep conspiracy by India to destroy Pakistan. But the rebellion and civil war that broke out in March 1971 had domestic roots going back to the very origins of the country. In great measure, Pakistani brutality towards its own citizens shaped the conflict that unfolded. India was drawn in after millions of refugees poured across the Bengal border along with several top East Pakistani leaders. While New Delhi sensed the opportunity to weaken Pakistan, it was also concerned about the larger security dimensions of the conflict. This was at a time when New Delhi was battling a Maoist insurgency in West Bengal, and there were considerable worries that if the civil war in Bangladesh was prolonged, it could encourage the radicalisation of the entire region.

## The Bangladesh War

By November 1971 serious fighting between Indian and Pakistani forces had begun in what was now called Bangladesh. On December 4, 1971, the Pakistani Air Force launched strikes on Indian targets in the western sector leading to the formal outbreak of war. East Pakistan was quickly occupied by Indian forces assisted by the Bangladeshi irregulars, and a 90,000-strong Pakistani army laid down its arms, the biggest post-Second World War surrender by an army. In the west there was a stalemate with both sides making gains along the 1949 Karachi Ceasefire Line. India could have pressed home the war in Kashmir, but international considerations— including a direct US threat—persuaded it to limit its actions.

In July 1972, Prime Minister Indira Gandhi and the new leader of Pakistan Prime Minister Zulfikar Ali Bhutto held intense discussions in Shimla. Despite its victory and huge number of POWs, India did not put any punitive terms before Pakistan. Under the Simla Agreement, India agreed to the release of the prisoners and rejected calls to try some of them for war crimes. Both sides agreed to keep their gains on the old Ceasefire

Line and to work on a solution of the Kashmir dispute through bilateral negotiations. The agreement concluded with a statement that the heads of government would meet again to work out the outstanding issues, including "a final settlement of the problem of Jammu & Kashmir." So while India got the commitment from Pakistan that the issue was one that had to be settled through bilateral discussion, the latter had the satisfaction of getting an Indian commitment that Kashmir was a problem that needed to be settled. [Blinkenberg vol. I: 269].

There is an important side story associated with the talks, one that states that the reason why India agreed not to use the POWs to extract Pakistani concessions was a verbal commitment by Z.A. Bhutto that he would work along a larger plan to convert the ceasefire line into an international border. [Chari and Cheema: 142-8] P.N. Dhar, who was a senior official in Indira Gandhi's secretariat, and later her principal private secretary, is categorical about the promise made by Bhutto:

> *Bhutto agreed not only to change the ceasefire line into a line of control... he also agreed that the line would be gradually endowed with the 'characteristics of an international border' (his words). The transition was to take place in the following manner: After the resumption of traffic between India and Pakistan across the international border had gained momentum, the movement of traffic would be allowed at specific points across the line of control. At these points of entry, immigration control and customs clearance offices would be established. Furthermore Pakistan-occupied Kashmir would be incorporated into Pakistan.* [Dhar: 195].

Dhar had cited a contemporary report by James P. Sterba the *New York Times* correspondent who had been briefed by the Pakistani delegation. Sterba's news analysis titled "The Simla Agreement: Behind the progress reports, there is the possibility of a secret agreement" was sent shortly after the meeting concluded. As he noted:





> *According to sources close to him [President Z.A.Bhutto], he was willing to forsake the Indian held two-thirds of Kashmir that contains four-fifths of the population and the prized valley called the 'Vale', and agree that a ceasefire line be negotiated that would gradually become the border between the two countries.*
>
> *The key word is 'gradually'... President Bhutto wants a softening of the ceasefire line with trade and travel across it and a secret agreement with Mrs. Gandhi that a formally recognised border would emerge after a few years, during which he would condition his people to it without riots and overthrow of his government.* [Dhar: 196].

Pakistani observers have denied the claim, though there is strong circumstantial evidence that there was indeed such a commitment, which in fact provided for the only logical solution to the dispute, and which is the trajectory in which it is being pursued today. Pakistan did, after all, convert the military nomenclature of J&K border from "Ceasefire Line", denoting a line of military disengagement, to the matter of fact "Line of Control" (LoC) which does not have any military connotations. And thereafter it also moved to link the Northern Areas closer to Pakistan.

Till then, the territory had been administered through the colonial era Frontier Crimes Regulations, even though Pakistan had little legal claim to it. It had been detached from Azad Kashmir through an 1949 agreement of dubious legality with Muslim Conference leader Ghulam Abbas. A 1972 resolution of the Azad Kashmir government demanding its return was ignored by Pakistan and it was neither included as part of Pakistan in the 1973 constitution, nor as a part of Azad Kashmir under its interim 1974 constitution. A Legal Framework Order passed thereafter placed the areas under the total control of the Kashmir Affairs Ministry of Pakistan.

The 1971 war had two other important consequences. First, the creation of Bangladesh effectively killed the so-called two-nation theory—the idea that Pakistan was the exclusive 'homeland' of the Muslims of the subcontinent. Second, it persuaded Sheikh Abdullah to reconcile with India. Since 1953, the Sheikh's relations with India had seen many ups and downs, in fact, mainly downs. But after the creation of Bangladesh, the Sheikh and the Government of India began an extended negotiation that led to the Beg-Parthasarthy accord of 1975. Under its terms, which sought to reinstate parts of the Delhi Agreement of 1952 and restate Article 370's autonomy to J&K, Sheikh Abdullah's National Conference was returned to power, with the Sheikh as the Chief Minister.

In 1983, the Sheikh died. Though Kashmir was quiescent, there was great tension in the region. Nearby, a *jihad* had been launched by Pakistan and the US to expel the Soviet Union from Afghanistan. Pakistan became a "frontline state", obtaining vast quantities of military aid and its intelligence services, encouraged by its military leadership which was under the sway of the Jamaat-e-Islami, learnt how to use religious fanaticism to promote state policy. In some senses it was inevitable that after the Soviets were compelled to leave Afghanistan, India, its' State of Jammu & Kashmir, in particular, would be the next target. And so it came to pass.

Beginning 1989, Pakistan used the sentiment for independence among a section of Kashmiri opinion to launch another war, this time a covert one. Simultaneously, it provided sanctuary to Sikh separatists and aided them in infiltrating across the border to commit terrorist acts in India. For a while it appeared that Pakistan was on the verge of great success — in part due to the failures of the Indian State, and in part to the great experience Pakistani intelligence services had gained from their Afghan venture.

But within two years it became clear that Kashmir was no Afghanistan, and India was not the Soviet Union. The Sikh movement was crushed and the guerilla campaign in Kashmir





began losing momentum. By the mid-1990s Pakistan began to send in ever greater numbers of its own nationals, recruited from radical *madarsas* in its Punjab and North-West Frontier Province and encouraged them to acts of terrorism across India. But this was to no avail and India managed to bring the situation under control and was even able to conduct elections in the State in 1996 and 1998.

The Pakistani response was to up the ante by occupying Indian positions across the LoC in Kargil in February 1999. Till that time, despite the raging insurgency, and the infiltration of men and material from the Pakistani side into J&K, both sides had refrained from crossing the LoC. The Pakistani action was designed to provoke India, but New Delhi handled it shrewdly by containing its response to the areas of Pakistani aggression, as well as seeking and getting the help of the international community. After being rebuffed by Beijing, Pakistan Prime Minister sought American help and through an agreement of July 4, 1999, agreed to withdraw Pakistani forces as well as thereafter maintain the "sanctity" of the LoC.

In return, the US agreed to use its good offices to intensify the bilateral process that India and Pakistan had begun through the Lahore Agreement of February 1999. There is still great controversy in Pakistan as to the objectives of the Kargil operation and its author. Shortly thereafter in October 1999, Prime Minister Nawaz Sharif was ousted in a coup and the Chief of Army Staff Pervez Musharraf assumed powers, first as a Chief Executive, and then as President. This was the third successful military coup in Pakistani history, though the armed forces have since Ayub's time, played an unconscionably important role in Pakistani politics.

# *Conclusion*

We have retailed the long story of India-Pakistan efforts to resolve the Kashmir problem to bring out, on one hand, the straightforward story of the State's accession to India and its consequences; and, on the other hand, to understand T.S. Eliot's phrase that "history has many cunning passages, contrived corridors". Some of them were deliberately constructed as part of policy, others are the result of the myth-making that accompanied the creation and establishment of Pakistan. The narrative shows the enormous effort— UN intercessions, Anglo-American mediations, direct talks— that have gone into trying to resolve the problem.

You may wonder that given this sorry story, why India should even consider dialogue with Pakistan on Kashmir. Pakistan has no legal rights to be there, whatever case it claims to have on the basis of some UN resolutions, too, appears flawed. But foreign and security policy cannot rest on history alone— or else Britain and France, or US and Japan, or Germany and Russia—are condemned to remain enemies forever. And if India and Pakistan are to reconcile and become friends, it is necessary to lay the ghosts of the past. That is a process that requires an understanding of history. The purpose of this book is to provide a clear and unvarnished understanding of the past so as to provide some illumination of the path to the future.

What it does is to tell us is that efforts to resolve the problem on the basis of historical claims and rights will not work. Neither will force, or pitting rival concepts of nationhood at each other, or claims of exceptionalism. The only workable solution seems to require, as a starting point, the pragmatic acceptance that Pakistan and India have controlled their parts of Kashmir for five decades and more now. Unravelling this situation by trying to redo boundaries could prove hazardous, not just for the State, but the whole region.

With Azad Kashmir, Pakistan's heartland has some cushion, which was Akbar Khan's goal. Negotiations with India can lead to the addressing of other Pakistani concerns such as those of river waters, access to Kashmir for investment, trade or tourism, and any other residual security worries. As of now, Pakistan only has squatter's rights in J&K. An important element of any settlement must be the legitimisation of Pakistan's control of Azad Kashmir and Northern Areas. A deal based on pragmatism and strategic considerations is doable, but not one based on imagined history and sentiment.

Jawaharlal Nehru, despite his failings— his alleged mendacity or misguided idealism— was a far-sighted man. In 1953, in a letter to Pakistan Prime Minister Muhammed Ali Bogra, Nehru detailed his proposals, as well as his perspective on the talks that he had with him. He concluded with words that have an enormous contemporary relevance:

> *We are not going to solve this problem by mere cleverness or trying to overreach each other. We are also not going to settle it by coercive processes, whether they are of the nature of war or some other. Nor can they be settled by coercion exercised on the people of Kashmir....*
>
> *If we aim, as we must, at a closer and cooperative relationship between India and Pakistan, we must find a solution of the Kashmir problem which is not only satisfactory to the people*





> *as a whole there, but is also achieved without bitterness and a sense of continuing wrong in India or Pakistan. While the interests of the people of Kashmir are paramount, there are also certain national interests of India and Pakistan which come into conflict over this Kashmir affair....*
>
> *The large minorities of India and Pakistan will be affected by that solution. If it is wrongly done, then the position of these minorities might well suffer and new problems be created.... We must, at all cost, avoid this. To ignore it in our extreme desire to show some quick result in Kashmir is bankruptcy of statesmanship.* [Lakhanpal: 256-7].

In January 2004, India and Pakistan began a two-track process of great promise. Under the agreement signed on the sidelines of the South Asian Association for Regional Cooperation SAARC summit in Islamabad, the countries of the region took decisive steps to set up a South Asian Free Trade Area, which would imply in the first instance the free movement of investment and trade, followed by people and services. In other words, move towards open borders and a possible South Asian Economic Community.

The second, a bilateral track, was a key document without which hopes for a South Asian economic union are unlikely to go far. This was an agreement contained in a joint press statement issued on January 6, 2004 which cited Prime Minister Vajpayee as stating that "to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented." While Pakistan's President Musharraf "reassured Prime Minister Vajpayee that he would not permit any territory under Pakistan's control to be used to support terrorism in any manner." After four years of talks and implementation of confidence-building measures, and despite a change of government in India, and political crisis in Pakistan the process remains on track and has been deemed "irreversible" by both sides.

Its initiation, several issues have been thrown into the discussion. Prime Minister Manmohan Singh has made it clear that India will not accept a settlement based on territorial changes. This is not based on the greed for territory, or some such crass material consideration, but abundant caution. Pakistan no longer has significant Hindu or Sikh minorities, India has a lot of Muslims and no government in India can ignore the risk that a settlement on a communal basis could have the most negative consequences for them.

Though inflexible on the matter of territorial change, the Indian Prime Minister has spelt out a much more flexible vision of "borderless borders" not just across the Line of Control in J&K, but across all of South Asia. Specifically with regard to Kashmir, he has said that while "borders cannot be redrawn, "we can work towards making them irrelevant." In the past three years India and Pakistan have opened up the LoC for Kashmiris on both sides, and are in the process of beginning trade along the old Muzaffarabad-Srinagar route. A similar opening has taken place with the restoration of the rail line between Jodhpur and Karachi, bus services between Amritsar and Nankana Saheb, in addition to the older Lahore-Delhi bus and the Samjhauta Express train. Addressing a meeting in Amritsar in January 2007 he said that "I dream of a day when, while retaining our respective national identities, one can have breakfast in Amritsar, lunch in Lahore and dinner in Kabul."

Singh has envisoned this process being applied across the India-Pakistan border and the negotiations culminating in a Treaty of Peace, Cooperation and Friendship. Speaking on March 24, 2006 at Amritsar, at a function to inaugurate a bus service from the city to Nankana Saheb, Guru Nanak's birthplace, now in Pakistan, he noted:

> *I also envisage a situation where the two parts of Jammu & Kashmir can, with the active encouragement of the governments of India and Pakistan, work out cooperative, consultative mechanisms so as to maximise the gains of cooperation in solving problems of social and economic development of the region.*





For his part, President Musharraf has given confusing signals. He has taken bold steps such as signing the January 6, agreement and declared that Pakistan would not insist on the UN resolutions, and proposed alternate solutions, though mostly through press briefings. The ceasefire that he declared on the LoC in November 2003 has had a genuinely calming effect on India-Pakistan relations.

The current Pakistani position is no longer to insist that Kashmir was always meant to be part of Pakistan. General Musharraf's various utterances suggest that the Pakistani position is that any solution acceptable to the people of Kashmir is acceptable to them, provided it does not involve complete independence, or the division of the State along the Line of Control. But while there has been a ceasefire along the LoC, and a perceptible decline in infiltration and violence in the State, the situation is not quite normal. Covert operations against India continue through newer routes such as those from the Saudi peninsula and Bangladesh.

Though proscribed, the Lashkar-e-Taiba continues its *jihad* against India, albeit under a new identity. Terrorist attacks aimed at stirring up trouble throughout India have been evident in 2005-2007 – the attack on the make-shift temple on the site of the Babri Masjid, in Delhi in October 2005, the Varanasi bomb blasts in March 2006 and the Mumbai blasts of July 11, All of them have left footprints that lead to Kashmir, Bangladesh, the Saudi peninsula and eventually, Pakistan.

The clearest exposition of Musharraf's views came in his memoir *In the Line of Fire* in 2006. The first of his four elements for a solution is to identify sub-regions of the state that need resolution – Azad Kashmir and Northern Areas controlled by Pakistan, and Jammu, Kashmir Valley, and Ladakh held by India. Are they on the table for discussion or

are there ethnic, political and strategic considerations dictating some give and take?"

The second component is demilitarisation of the "identified region or regions." This would involve pulling our military forces, as well as suppression of terrorism or, as he put it, "militant aspects of the struggle for freedom." The third is introducing "self-governance or self-rule in the identified regions, "or allowing the Kashmiris to run their own affairs "without having an international character and remaining short of independence."

The fourth element is setting up "a joint management mechanism with a membership of Pakistanis, Indians and Kashmiris overseeing self-governance and dealing with residual subjects common to all identified regions and those subjects that are beyond the scope of self-governance." [Musharraf: 303].

It would be difficult not to see some elements on the Dixon Plan in these proposals. Essentially it means that Pakistan will not press on Jammu and Ladakh, in return for India forgoing claims on Azad Kashmir and Northern Areas. The core of the core, as it were, is some alternate way of dealing with the Vale of Kashmir. Statements from Pakistan imply that demilitarisation, too is focused on the Valley. It is not clear what the Pakistan President means by self-governance considering the manner in which Islamabad controls Azad Kashmir and the Northern Areas, and indeed Pakistan itself.

**Endgame?**

At the end of the day, because of its legal title to the State, India has the overwhelming responsibility to ensure the just resolution of the Jammu & Kashmir problem. This was the burden that convinced Prime Minister Atal Bihari Vajpayee to reach out to Pakistan, despite betrayals and disappointments. Prime Minister Manmohan Singh's systematic approach towards resolving the problem has been manifest in his three-





pronged approach—dialogue with Pakistan, the separatists, mainly in the All Parties Hurriyat Conference and the mainstream parties like the Congress, BJP, the National Conference, the People's Democratic Party and regional formations from Ladakh and Jammu.

While the Pakistan track is taken up through the composite dialogue on a range of outstanding problems and issues, there is a back-channel between Special Envoy Satinder Lamba and Tariq Aziz, the Pakistani National Security Adviser. The "Indian" round of discussions are handled by the government's pointman—N.N.Vohra. After efforts at encouraging the separatists to enter into a formal dialogue with New Delhi, the format that seems to have emerged is a Roundtable Conference which had its first meeting on February 25, 2006. The government's efforts has been to get separatists like Yasin Malik, Sajjad Lone, Shabbir Shah, the Mir Waiz and the APHC, and even Syed Ali Shah Geelani to join the discussions. But most have separately met the authorities, including the PM on several occasions, they are as yet hesitant to sit together with other groups in the roundtable.

As of the Second Roundtable meet on May 24-25, 2006 in Srinagar, five working groups have been established. One on "Confidence Building Measures Across Segments of Society" in J&K; strengthening relations across the Line of Control; economic development of J&K; on promoting good governance in the State; and one on Centre-State relations and the autonomy issue. The Third Roundtable in New Delhi in April 23-24, 2007 took up the reports of the first four groups and set up an implementation schedule for them. While the recommendations of the first four groups have a 'common sense' consensus, the fifth working group on political issues, chaired by Justice S. Saghir Ahmad is viewed as being the most significant. However, because it got off to a late start, it is yet to submit its report.

New Delhi is not unaware of the need to complete the discussion it began with Kashmiri opinion that led to aborting

the Delhi Agreement of 1952, the partially implemented Beg-Parthasarth Accord, and the autonomy resolutions of the J&K Assembly, but it cannot do so as long as the gun dictates the discourse.

The key issue appears to be "self-governance" and joint mechanisms. Only semanticists can find the difference between the words "self-rule", and "autonomy", which India says it is willing to offer to Kashmiris in full measure. By any measure, there is considerable self-governance in the Valley. More is a matter of negotiation and circumstance. Since 1947, Indian policy with regard to the State has been shaped by the problems with Sheikh Abdullah, Cold War fears, the 1965 Pakistani attack and the covert war since 1990. Once coercive intervention in the State's polity is ended, India's perspectives, too, can change. Yet, a self-governing entity cannot have an international personality. It still requires someone to look after its defence, foreign affairs, communications and currency.

An engaging and reasonable voice in the past few years has been that of the Mujaihid-e-Awwal, Sardar Abdul Qaiyum Khan. Having lived through the past sixty years, the Sardar has been a strong supporter of the peace process, as well as an advocate of a 'slow and steady' approach towards resolving the problem. His view is that the 'final solution' can take its time coming, the focus ought to be immediate issues of promoting people-to-people solutions. In a visit to New Delhi in late April 2007, he offered a strong defence of the peace process and called for a programme of providing safe passage to militants in the Valley to return to Pakistan, as well as to those in training camps in Azad Kashmir back to the Valley.

The aim of the Roundtable process is to do something that most observers do not pay sufficient attention to—build up a broad consensus within India for whatever settlement with Pakistan will emerge through the bilateral process. By adopting a Roundtable procedure, the government is indicating that no solution can come through a 'talk down' process, neither can one come by ignoring the claims of marginalised groups





like the Kashmiri Pandits or the numerically small communities like the Ladakhis.

As Prime Minister Manmohan Singh noted at the conclusion of the third Roundtable on April 24, 2007:

> *There have been references to President Musharraf's proposals and statements on Jammu & Kashmir during our discussions. Several ideas having a bearing on improving relations between India and Pakistan are being discussed at various levels...Some public statements in this regard emanating from Pakistan do not give the correct picture....*
>
> *Lasting peace will not come through instant deals. It will come only when the stakeholders – the people themselves – become the torchbearers of peace.*

There is, it would appear to us, as yet a huge gap between Prime Minister Manmohan Singh's call for the Indian and Pakistani parts of J&K working out "cooperative, consultative mechanisms" and Musharraf's demand for "joint mechanisms" that will oversee subjects beyond those covered by self-governance. If Pakistan is suggesting a condominium here, and it hasn't quite done so as yet, it is unlikely to find traction in India, at least not in the near term that Pakistan remains a military-dominated, non-secular political system.

As for demilitarisation, this seems to be unlikely, despite the decline in levels of violence and infiltration. Yet, India has displayed some sensitivity to this by conducting two publicised troop withdrawals in 2004. Even while creating a mechanism in early 2007, to address the issue, the Indian paramilitary and army have begun to quietly redploy from some Kashmiri private and public property.

Having contained militancy through a rigorous exercise in which they have paid for with life and limb, the security agencies are not wrong to err on the side of caution. Given the reserve capacity in terms of training camps and already trained

militants across the LoC, Pakistan retains a surge capability that could be unleashed at short notice. But once the security grid is disturbed, it is not easy to put it back together easily. This was the lesson that the Indian forces learnt in the wake of the Kargil war.

Nehru was right when he situated the Kashmir solution in the evolution of a larger India-Pakistan relationship. There is no way in which the two countries can resolve their problems over Kashmir, minus a larger reconciliation. And this cannot happen unless there is a significant reorientation of Pakistan away from the chimera of exceptionalism and towards the universal principles of liberal democracy. The elements of a solution have been around for a long time—in the Dixon proposals, the Nehru-Bogra talks, the Swaran Singh-Bhutto negotiations, the Sheikh-Ayub meetings, the Indira Gandhi-Bhutto agreement and the various negotiations between New Delhi and Sheikh Abdullah. The issue is no longer determining the elements of a solution, but finessing them towards a lasting solution.



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