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Resolving Kashmir Through Unification

The following critical analysis is not author's own creation. It is based on historical facts and literature on J&K available in the market and noted under "references and further reading."

25.1 Introduction

On this subject volumes have been written by different authors propounding different view points, apart from the regular discussions at different forums, media and TV talk shows. The purpose here is to briefly examine the past and try to search out the fundamental references of partition of our nation, to help us arrive at some tangible means of lasting solution to a seemingly everlasting conflict and a cause of tension between India and Pakistan. We have also attempted to find out ways and means to build a peaceful future with a happy bond between the people of the two nations. It is hoped that the countrymen will like the findings, the unbiased analysis and the prudent solution.

Our passion should be brotherhood for mankind and love thy neighbour, be it Pakistan or any other country. Our message to the entire mankind is, 'love thy fellow beings'. Conflict is a law of nature. It cannot be avoided but its effects can be mitigated by mutual love and understanding for each other. Let us practise this philosophy with Pakistan also.

25.2 Ill-conceived partition

- Partition by itself is a frightening pronouncement. What will happen to one's properties, jobs, money, bank accounts, belongings, relations and friends etc. that will be left behind? Or at the new place, where will they live or work? Who will take care of them, their needs, food and shelter? What will happen to the education of their children? These are some very instinctive questions that would immediately

flash in our minds and send a shiver down our spines. How can one decide for partition of a country in the face of such stark uncertainties? When it is not possible to vacate a small habitation or shift it to another place where the houses are ready, how then can parts of a mammoth country from its different locations be shifted in a huff to a new country, when no one knows where they were to go and where they were to live. It is impossible to rehabilitate them at a place without prior arrangements. What happened as an aftermath of partition is therefore of little surprise. Everybody became a rogue and a barbarian against those who were not of his community. Hindus killed Muslims and Muslims killed Hindus as if they had never lived together or had any affinity for each other. The culture, brotherhood and togetherness of a thousand years and teachings of *ahimsa* of the great Mahatma, all were trampled in the fit of hatred and beastliness that aroused at the spur of the moment.

More than 13 lacs were killed and about 150 lacs became refugees, besides abductions, rapes, and lootings. A carnage worse than trampling and butchering of Delhi by Timur Lane (1398), Nadirshah (1739) and others, Section 3.1. **A man can become so beastly in his fit of rage and insanity is unbelievable. May be, cruelty knows no humanity and sees no bounds.**

The amount of harm the guardians of free India have done to this nation has no parallel. Surely the lust for power and greed makes one blind. It is only our sheer ignorance and illiteracy that despite all this we still worship Pandit Nehru. Butchering of people by his unkind acts and deeds is graver than Hitler's killing of Jews in gas chambers. The continuous hardship that Pandit Nehru has inflicted on India's 115 cr people for 60 years can have no parallel in the annals of world history. While Hitler killed deliberately, Pandit Nehru killed and pushed the whole nation into such a disarray by his ignorance and high-handedness. But both were sinister acts of power and greed.

The terrorism and unabated killings in J&K and other parts of the country, the rising defence spendings to quell the same are also the consequences of this atrocious partition.

- **It is for sure that the blueprints of independence and their implementation were half-cocked, ill founded, short sighted and were sinisterly designed to appease a few. It can happen only when people behind such a decision have only self interests above everything else. Even if the country was to be separated into two, it was the moral obligation of the leaders of both sides to have**

avoided carnage and looting. They lacked planning and control. In fact they never gave a thought to this grave side of the possible repercussions in the fit of their jubilation. The bloodshed in the aftermath of Independence was indeed unfortunate and should have been avoided at all costs. Human bond cannot be so temporary neither human values so insignificant. The same culture, apathy and excesses by the system continue even today and our poor people reel under great hardships and miseries of lives. The killings continue unabated in J&K even after 60 years of independence as we have failed to protect the lives of our Kashmiri brethren.

Whatever be the reasons of partition, it is abundantly clear that it was done in a huff, to satisfy the self greeds of a few, who were blind in the hope of grabbing power, authority and rule of a nation that they never deserved. They lacked application and foresight. **Before their power and authority, everything was immaterial and inconsequential. They were in absolute haste, lest anything may befall, before they grab the reins whatever be its consequences. Let people go to hell if that be their fate, but they shall not let the opportunity slip out of their hands. And thus they ruled us ruthlessly and sent the nation to hell where we are.**

- The causes of the grave errors and sins of omissions committed at the time of partition that led to carnage and looting and also gave birth to the perennial problems of J&K is the haste in which the course of Independence and partition was decided. In the same haste they also overlooked to settle on some very crucial issues that have led to many other disputes like,
 - Clear status and understanding with the princely states, particularly Junagarh (Gujarat), Hyderabad (Andhra Pradesh) and J&K.
 - Consensus of the people – at least their option of choosing the country.
 - Their rehabilitation programme.
 - Clear demarcation of territories.

These were very vital issues and should have been carefully considered before taking any crucial decision. Partition was a momentous decision and such detailing was a must. One gets flabbergasted, that not even simple and logical procedural niceties of partition were observed, while taking such a massive decision. It clearly shows lack of vision and lack of ability to govern a nation, the conspicuous haste and connivance apart. **Any guardian with**

such short-sightedness and selfish motives can hardly do good to the nation and its people. We were doomed before the start, the coming events had cast their gloomy shadows before-hand and our destiny was slated. Anything that rests on a false foundation has to crumble. What happened to our country in the last 60 years is a testimony of that bereft foundation that Pandit Nehru laid. Since beginning we have been ruled by self-centered, self-interested and short-sighted leaders. Earlier, it was aimed at somehow grabbing power and later it evolved the culture of parasitic attitudes and behaviour. And we never tire of worshipping these leaders out of sheer ignorance and illiteracy. While they have enjoyed to their fills the fragrance and riches of freedom and the authority to govern, the country and its poor subjects have only toiled and suffered their utmost miseries. **The partition and formation of Pakistan was an act of error and omission and was deliberately committed to grab power. It had no rationale or purpose other than this. The stalemate of a conflict between the leaders at that time culminated into this sinister act and beginning of our miseries.**

25.3 Chronology of partition

- The country was dissected into two parts on the basis of religion, one for the Muslims as Pakistan and the other for Hindus as Hindustan. But more Muslims chose to stay back than those who opted for Pakistan. Those who went there left many of their relatives and friends here and similarly those who remained here parted with many of their near and dear ones there. Most of them were not happy. It was sort of a compromise under compulsion. Physically here and mentally there or mentally here and physically there. By no account it was a sensible partition.
- It is now clear that the act of partition was simply to satisfy the politics of compromise and provide powers to two equally strong groups of freedom fighters. Gandhi, Nehru making one and Jinnah, Liakat Ali the other. For them country was like a toy game of making and destroying figures. There is no point digging into more details to find out why or how it happened or if it could have been avoided, for it will only lead to more hatred and bitterness. **Unfortunately our country has always been afflicted with such curses. During the medieval period by invaders and barbarians and this time by our very own guardians. The result is a highly painful past that has travelled to this day, which most of us are not able to reconcile with.**

- **When the polity and so the governance of a country has partisan compulsions in its roots more than the welfare of the people in mind, they would lack prudence to do any good for them. The post independence period indeed has been very painful. Many of us in this era have watched the country go to wretchedness before our eyes. I am one of them. The roots of partisan and clambering for power have marginalised national interests. Now national interests have no meaning. The evolution of political manoeuvring has led to self interests. Look at the 2002 happenings in Gujarat (Section 7.4)**

The entire background of partition is thus unfounded, insensible, illogical and ill conceived. Lacs of innocents who have been killed on both sides of the line of partition have left behind their families orphaned and many have been rendered homeless. Many of those who survived, disgruntled and aggrieved, took to arms and terrorism. And then we (India and Pakistan) started targeting each other, spending all our energies and resources on these activities to cause more sufferings and sorrows to each other. The message that we send out to today's civilized world is a stigma on our character, capability and statesmanship. **The philosophy of partition didn't live a day in peace, instead it made everyone suffer. It is time to reckon our past deeds and revoke this ill-conceived partition and become one nation again (Section 25.6 (v)).**

Princely states

In the huff to grab power, the decision about princely states remained unresolved and was left in a quandary. There were more than 500 princely states and they didn't know what to do. Suddenly (by April 1947) because of a political eventuality they were required to choose between India or Pakistan. As per earlier terms of partition they were free to maintain their independent identity. What would've happened if all Muslim states located in the interiors of the country like Hyderabad would have opted for Pakistan? All this was irrational, ill-conceived and half- cocked. It was our sheer good luck that all states were made to stay with us except a few. **Junagarh, Hyderabad and J&K were amongst those. Junagarh and Hyderabad (both wanted to accede to Pakistan) too came in our fold but not without use of force. Junagarh was a Hindu Estate with Muslim ruler and we called for a plebiscite and thus took it in our fold, while Hyderabad, with Muslim ruler and Muslim majority was tricky and came into our fold only in September 1948. What would have happened if these states too had**

become bones in our throats as J&K today is. More so when these states are located in the interior of the country? It is a matter of sheer imagination, taking into account the problems we are facing in J&K.

- The history of J&K is a tragedy of errors and is quite complex, which many, particularly of the new generation may not know. The old timers would know that, the main architects of partition and division of territories were Lord Mountbatten, Pandit Nehru and Mohd. Ali Jinnah. It seems they had a tacit understanding that all Muslim dominant territories shall go to Pakistan and all Hindu dominant territories will stay with India. In case of princely states it was decided that they will have the option of self determination to remain in India or in Pakistan depending upon their populace and their choice (plebiscite). It may appear a stupid proposition today but this is another historical absurdity. In the background everybody knew that Muslim rule in Hyderabad may pose a problem. If it joins India – all the more good, but if it does not, then it will pose a big threat to the Indian integrity and security. Sardar Patel, our then home minister, somehow manoeuvred this state to accede to India. It was a risky game plan, but it worked (for details see references), while everything in J&K failed. Kashmir (not Jammu) being a border territory and Muslim dominated, Nehruji was obliged to give it to Pakistan as per the wishes of Lord Mountbatten and Jinnah. It was sort of a secret pact between the three. Since it was a Hindu princely state, decision rested on Raja Hari Singh (father of Dr Karan Singh). One theory suggests that Raja Hari Singh wanted to stay independent therefore he didn't accede to India. Had he done so there would have been no J&K problem today. This presumption is too hypothetical in light of the terms of partition. It is, however, possible that carnage of October 21-27 could have been averted but that also being too optimistic. The fact is that before he could accede to us, a feeler was sent to him by Lord Mountbatten (rather he was told personally by Lord Mountbatten when the latter visited the Maharaja) to accede to Pakistan, in consonance with the understanding that the three leaders (Lord Mountbatten, Pandit Nehru and Mohd. Jinnah) had arrived at before announcing the partition. As Raja Hari Singh was under the impression to stay independent, the last minute policy change and an advice on the top of it to accede to Pakistan was too shocking for him and sent him into a total quandary. Not only this, he was also cautioned by Lord Mountbatten that in case he decided for India which, he was free to do, he must ascertain the

will of the people (plebiscite) before doing so, (see Sarila, Narender Singh under references). Since he was not willing to accede to Pakistan hence the delay in decision. Seeing his reluctance, Pakistan got worried and called for an aggression in the guise of tribal uprising led by retired army generals (21st Oct., 1947).

- It appears the British forces deployed for India, Pakistan and J&K at the time of partition by the British government for their internal security were aware of this development. It is also a fact that the British army on this side did not participate in the battle. It might be under an official order from Britain.
- Pandit Nehru as it appears now, was a timid person and was afraid that the accession of J&K with India may open up a conflict with Pakistan. Moreover, it would be betrayal on his part. **So this was the turning point in history.**
- In the wake of aggression Raja Hari Singh had to shift to Jammu from Srinagar but he could not accept the killing of Hindus. To accede to Pakistan was out of question as it had tantamounted to gradually losing his kingdom in the face of a muslim dominant state. **He deputed his PM Mehar Chand Mahajan to meet Pandit Nehru in Delhi and sign an accession with India. Pandit Nehru refused. Indeed a startling historical fact, but so was it, presumably in the wake of his understanding with Lord Mountbatten and Mohd. Ali Jinnah. To this Mehar Chand agreed to accede to Pakistan in order to save at least lacs of Hindus whose lives were endangered by the Pakistani aggression. Luckily at the instance of Sardar Patel and with the quick turn of events, Nehruji was forced to relent his posture, sign the accession and send the forces to J&K. This is the history of how J&K came into our fold, but not without a rider by Lord Mountbatten "subject to peoples" determination (plebiscite).**

We won the battle but made no efforts to take back the territories that Pakistan had captured by then (see details later as to how Sheikh Abdullah, the then administrator of J&K who was also incharge of the armed forces had deliberately allowed the occupied Kashmir remain with Pakistan). J&K accession to India and winning the war sent Pandit Nehru into a quandary. He had failed to fulfil his promise of giving the toy of one child (toy was not his) to the other child. This made him guilty of false commitment to Lord Mountbatten and Jinnah. For him, going of Kashmir (not Jammu and Ladhakh which

were Hindu dominated) to Pakistan was more important than the brutal killing of over a lac of people (Hindus) in the battle between 21-27 October, 1947 and thousands of women that were taken captive. It is also a fact on record that despite accession to India, Pandit Nehru couldn't suppress his guilt and promised a plebiscite to the Kashmiris apropos of the wishes of Lord Mountbatten as noted before (to take place after the aggression was over), presumably (again a calculated move) to give Kashmir to Pakistan and retain Jammu with us. This negated the whole instrument of accession, and gave birth to the continuing animosity between the two nations and a contagious conflict at the border that started then but has no stopping uptil now. Somehow plebiscite couldn't take place during his life-time because he took the issue to UN (Dec. 1947) at the instance of Lord Mountbatten to avert an armed conflict with Pakistan) where it is still pending. Being a highly-sensitive issue the world leaders, particularly US and UK, also played it cautiously at UN and considered it safe to leave the issue unresolved to the curse of both the countries. (For details see References and Further Reading). Thus, the seed was sown for the untold miseries ahead for J&K and the whole nation as such. From the very beginning he was totally indifferent to the welfare of the people there. **From here begins the Sheikh Abdullah factor (1947-1953).**

25.4 History of Jammu & Kashmir

Sheikh Abdullah had an eagle's eye on the state for long. Since 1931 Sheikh Abdullah had been protesting against the autocracy of Raja Hari Singh. Although in 1939 a legislative assembly comprising of 75 elected and nominated members was set up in accordance with the Act of 1939, Sheikh Abdullah and his colleagues continued their protest to demand for a fuller democracy. The pro-democratic leaders felt that the Act of 1939 obstructed the formation of a responsible government and facilitated exploitation of the people. The act was also condemned because it was framed by the ruler and his henchmen and not by an adult franchise. The act had the following provisions, which were not democratic:

- no freedom to press
- no independent judiciary
- the legislature was not supreme.

By 1946, this protest had taken the shape of Quit Kashmir movement against Hari Singh, for establishing an elected government, similar to

our Quit India Movement of 1942, through non-cooperation and civil disobedience movements. It led to the arrest of Sheikh Abdullah by Raja Hari Singh in 1946. After India's independence and accession of J&K to India on October 26, 1947 - Sheikh Abdullah¹ was appointed by the Indian government as the 'Emergency Administrator' at the instance of Sheikh Abdullah only. Incidentally he was present at the PM house when the instrument of accession was being signed (it looks as if all events were pre-planned). It was an unusual favour to him by Pandit Nehru, possibly to manoeuvre the situation in a planned manner so that Pandit Nehru could atone his guilt. But in the long run it has proved to be a bad omen and a disaster knell for the people of J&K particularly and the whole nation as such. It is worth mentioning here that in June 1946 when Sheikh Abdullah was in jail Pandit Nehru went to Srinagar to meet him against a prohibitory order and was himself made captive by J&K government for a day. It culminated into a hatred and bitterness in him for Raja Hari Singh. Under some hidden settlement between Pandit Nehru and Sheikh Abdullah the latter also put forward a few preconditions (like *Kaykayee* put up for three boons from *Raja Dashratha* in epic *Ramayana*), viz.

- Raja Hari Singh will transfer all his administrative powers to Sheikh Abdullah. Hari Singh knowing his intentions objected initially to this proposal, but later had to bow down for the safety of his people whose lives were at stake. It is a very sad event in the history of J&K, where our then prime minister blackmailed the ruler of J&K, and we have been paying the price of this action for the last 60 years. We may question that under such an insult, should not Raja Hari Singh have acceded to Pakistan? At least the state would've been saved. Pandit Nehru in any case was not willing to include this state in India. He seems to have died with a guilt in his heart that he could not handover Kashmir to Pakistan as he had promised to Mountbatten and Jinnah.
- Sheikh Abdullah always wanted to make Kashmir (not Jammu or Ladakh) a separate nation, which would have nothing to do with India or Pakistan, irrespective of the pact of partition which required

1. a. It appears that Pandit Nehru and Sheikh Abdullah were quite intimate to each other. Subsequently Indira Gandhi too showed him similar favours as noted later.

b. Many historical books make a mention that Sheikh Abdullah was a foster brother of Pandit Nehru.

each princely state to choose the dominion of either of the nations and not keep a separate entity. But he also realised that the state as an independent country may not survive for long in view of its highly vulnerable location, and economic and military limitations. Instead he tried for more autonomy and self powers as noted below (his son Dr Farooq Abdullah then tried for the same and sent a shiver down the spine of the people when he raised this issue in 1999. He continues to raise this issue at regular intervals). But it suited Pandit Nehru, for it saved his face. Under the circumstances he could at least tell the world that Kashmir was not with him. In the same fit, he also agreed to the following outrageous demands of Sheikh Abdullah :

- Separate head of State
- Chief Minister to be named as PM of the state to give a feeling as if J&K was an independent territory
- Separate constitution: an officer was required to first take oath of local constitution and then of the Indian constitution.
- Separate flag
- Separate state anthem
- Permit was required for an Indian to enter the state (Shyama Prasad Mukherjee was arrested under this act, Section 25.4(ii))

Note

All these remained in force until he was arrested again in 1953

- Imposition of Art. 370²

All these measures (meaning thereby, a republic within a republic) were well conceived by Sheikh Abdullah possibly under the guidance of Pandit Nehru, to have protection of India and rule (sovereignty) of his own. But the Indian hard liners would not allow him to have his cake and eat it too. This consequently changed his philosophy and he worked hard for an independent state of Kashmir and thus began his anti-India activities, the root cause of today's unrest and terrorism in the region.

- Self interests, gross incompetency, insincerity and lack of foresight of our system have always been haunting our nation. It also scoffs at the cobweb of J&K tangle in which it has been for 60 years now.

2. The Indian constitution defines this article as 'temporary provisions' for a state. But it has become a permanent scar in the case of J&K.

From the history of events and accounts written on partition by eminent authors, historians and eye witnesses of that era, it can be concluded that Pandit Nehru was always in a dilemma and lacked clarity and vision. This led to J&K's miseries and unrest that continue unabated until now.

- **When the Indian army was fighting at the borders, the army was directed to take instructions from Sheikh Abdullah and not from Delhi. And Sheikh Abdullah never allowed our army to perpetrate into the occupied territories (presumably it being a Hindu belt and to also appease Pakistan). What resulted was a Pakistan occupied Kashmir (PoK) that still is (Section 4.1).** The areas under PoK include Mirpur, Poonch, Kotli, Jhanger, Nawashera and almost up to Barahmoolah. Barahmoolah was saved at the last moment. Had we fought a genuine battle, there would have been no PoK today except for the killings (between 21-27 Oct., 1947) that had occurred before the Indian troops could reach the battle field. **There was a great massacre of Hindus and total butchering of Sikhs and Christians, abduction of their women, many of them jumping and drowning in Jhelum and Kishanganga. Pakistan's atrocities in Mirpur, Kotli, Bhimber, Muzaffarabad belt, Gilgit and Baltistan towns will always be remembered in the annals of history as black independence and a blemish on our ill-conceived partition caused by Pandit Nehru. The harrowing tales are enough to raise one's goose pimples and bring down our heads in shame and disgrace.** All Hindu belts were thus deliberately allowed to fall under Pakistan at the behest of Mr Sheikh Abdullah, presumably as a compensation to Pakistan for Kashmir. It was all under a calculated connivance between Pandit Nehru and Sheikh Abdullah. Here the sins of omissions of Pandit Nehru are unforgivable. In fact Pandit Nehru right from the beginning was interested in the partition of J&K. Kashmir, the Muslim dominant region to Pakistan and Jammu, the Hindu dominant area to India. On January 1, 1949 when our forces were advancing and could have captured back PoK he called for a unilateral cease-fire (Balraj Madhok, see under references). The rest is history.
- To keep the state aloof from India, Sheikh Abdullah got Article 370 imposed and misappropriated all the funds that were sent to him by the Centre for the development and welfare of the people there. This money was largely spent by him for anti-India propaganda and

our government sitting in Delhi helplessly watched it happen.

- Pandit Nehru's cowardice and feel of guilt are also apparent from his move to UN on the aggression by Pakistan. As noted before, he also offered the people of Kashmir a plebiscite once the aggression was over. **This assurance in the face of an accession already signed by Raja Hari Singh with India, cannot be understood unless we see it in the wake of the guilt that he carried. Somehow or the other he wanted Kashmir to go to Pakistan while we have spent a whole fortune in retaining it with us.**
- The Sheikh exploited the people of J&K more than before. He didn't repeal the Act of 1939 (to attain full democracy), which he himself was so much against, instead he exploited it for his personal benefits. He sidelined the more prominent leaders and took avenged with his political opponents. **Root cause of all problems in J&K is the misrule and high-handedness of his henchmen and the bureaucracy.**
- August 9, 1953 – **He was dismissed and arrested again when he was about to declare Kashmir as an independent state with the help of Pakistan.**
- 1953-1963 – Rule by Bakshi Gulam Mohammad. The democratic process started during this period.
- May 1954 – The Act of 1939 was amended and council of ministers, i.e. elected representatives became the final authority rather than the ruler.
- By 1957 full freedom was bestowed on the people of J&K to decide their own future.
- 1957 – End of rule of Raja Hari Singh.

The democratic process started only during 1953-63, when Bakshi Gulam Mohammad was in power. It was then that Judiciary came under Supreme Court; free franchise and freedom to press were also granted.

- After Sheikh Abdullah, his son Farooq Abdullah came to power in 1982. He had also been eyeing for the whole state. He wanted more autonomy and then probably a separation. If not this, then the Presidentship of the country. People getting killed or live in fear was not his concern. **Indeed the polity of this country has enjoyed whole hog the fortunes of freedom in the past 60 years and fattened**

on the blood and sorrows of its people. Even the most cruel kings would not have enjoyed on the miseries of their subjects as much as the political system and bureaucracy of our nation have.

We must therefore view the conflict of J&K in the wake of the startling facts noted above, where the architects of partition were secretly committed to hand over Kashmir to Pakistan and this fact is also known to the people of Pakistan. As on date, one-third of Kashmir already lies with Pakistan as PoK and only two-thirds is with us, that too torn with disturbances, terrorism, killings, poverty, illiteracy and backwardness despite consuming the riches of the nation.

▪ Quick overview :

- Pandit Nehru was responsible for division of a unified India and one nation into two.
- He was responsible for the carnage that resulted as an aftermath of Independence killing over 13 lac people.
- He was responsible for the plight of 150 lac people who were displaced and termed as refugees.
- He was responsible for the killings of over a lac of Hindus, Sikhs and Christians and abduction of thousands of women from the Hindu belt of Mirpur, Kotli, Bhimber, Muzaffarabad and Gilgit towns, now in possession of Pakistan known as PoK.
- He was responsible for all the disturbances and killings in J&K because he was always indifferent to the problems of the state.
- He was responsible for forcing Maharaja Hari Singh to hand over his reigns to Sheikh Abdullah. Sheikh Abdullah had always been vying for Kashmir valley to make it a Muslim dominated independent state, where he could rule. Sort of a new nation.
- **Sheikh Abdullah also played traitor with our country and fanned the terrorist activities in the region in pursuit of his personal ambitions.** He misappropriated the grants and financial aids that were sent to him by the Centre for the development and welfare of the state. His own ambitions were more dear to him than the national interests or welfare of the people. He did not even bother about what happened to Jammu and Ladakh. **He was interested only in an absolute self-rule over Kashmir and throwing out Hindus and Pandits from the Kashmir valley.** There are more than 4 lac displaced *Kashmiri Pandits*.

- Sheikh Abdullah was responsible for the killings and migration of *Kashmiri Pandits* to Delhi, Jammu, Udhampur and other places. Many of them are leading highly miserable lives, living on the alms and gratis of the government and NGOs.
- **The financial aid and other assistances that he received from the Centre as part of appeasement policy, he spent on himself and to support and foster the terrorist activities against India. Don't be surprised, these are the harsh realities of the evolution of Kashmir – of what Kashmir today is.**
- Pandit Nehru was responsible for taking this issue to the UN (possibly for an official plebiscite through the UN). The UN decided for a plebiscite, but this is pending as status quo, courtesy the erstwhile USSR, which called for a veto.
- Pandit Nehru himself agreed for a plebiscite for the people of Kashmir, diluting the instrument of accession that had already been executed by Raja Hari Singh with us. It is a different matter that there may not be a written document on Pandit Nehru's agreeing to plebiscite, but historical books have recorded this pronouncement and it is available in UN records too. He agreed that plebiscite would take place after the aggression of Pakistan was over, with the calculated move of handing over Kashmir to Pakistan and retaining Jammu and Ladkhakh with India.
- Our forces could have recaptured the areas that were taken over by Pakistan but Pandit Nehru in connivance with Sheikh Abdullah chose not to do so for reasons already discussed. This became obvious when he called for a unilateral cease-fire on January 1, 1949. He probably thought that the PoK, a Hindu belt, may compensate for Kashmir and mitigate his guilt.
- Article 370, along with other provisions as noted above, was also demanded by Sheikh Abdullah in an attempt to retain the sovereignty of the state unto himself. **Article 370 continues unscathed even today and no one has the guts to revoke it, blocking the progress, prosperity and development of the state, besides giving an impression to the entire world as if J&K is still not an integral part of India.**
- Indira Gandhi, after the death of her father Pandit Nehru and the short-lived tenure of Lal Bahadur Shastri, became the next PM and once again in 1975 offered the reins of J&K to Sheikh Abdullah,

for unknown reasons, which are mind-boggling even today. **Like her father she too was infatuated with Sheikh Abdullah.**

- In between, she herself was insulted when she visited Srinagar.
- When Sheikh Abdullah died in 1982 the reins went to his son Farooq Abdullah.
- Like father like son, he too has similar designs as his father had asking first for a separate state and then for more autonomy for J&K. Visualising him as a threat Indiraji dismissed him in 1984 and in the same year she was assassinated.
- Next, the reins were passed on to none else than the brother-in-law of Sheikh Abdullah, GM Shah. He too was a member of the same brigade. His anti-national plans got him sacked too in March 1986, but by then he had engineered enough killings.
- Until Oct. 2002 the CM of J&K was once again Farooq Abdullah who always needed more powers and autonomy (1999). In a TV interview (2001) he also expressed the desire to be the next President of India.

SOME IMPORTANT DOCUMENTS :

(i) *UN resolutions*

1.1.1948 - India goes to UN. Four resolutions were passed.

1. 06.01.1948 - both countries to maintain status quo.
 2. 17.04.1948 - UN forms a five nation committee to mediate between the two countries, to sort out the issues.
 3. 13.08.1948 - resolution in three parts,
 - i. To stop the war
 - ii. Pakistan was asked to pull back its forces (hand over PoK to us) and Indian government was asked to reduce its forces.
 - iii. That both countries agree to decide Kashmir issue with the consent (plebiscite) of the people.
- 05.01.1949 - only to support the third resolution as stated above.
4. 14.03.1950 - Dixon plan – nominated by UN discussed with both countries and suggested
 - divide Kashmir in three parts
 - i. That which surely wants to stay with India.
 - ii. That which surely wants to stay with Pakistan.
 - iii. Doubtful area – Decision through plebiscite

But both countries refused this. Then UN in April 1951 appointed Graham Green. He worked on this for two years but nothing happened and the stalemate continues since then.

It is surprising that despite problems and so much bloodshed in the region in the last 60 years which has attracted the attention of the world community and many countries have even advised the two countries to resolve their issues amicably, UN has preferred to take a relaxed posture. Even their Secretary General Koffi Annan in 2001 said that the case pending with UN has no relevance now and India and Pakistan must resolve their differences between themselves (like US did against Iraq?). But can UN absolve themselves when their prime objective is to bring about world peace and this issue has already become a threat to the world peace? Pakistan has always been raising this issue at nearly all international forums and India has always been refuting that it being their internal matter and they were capable of resolving it amongst themselves.

(ii) Delhi Agreement (July 14, 1952)

Between Pandit Nehru and Sheikh Abdullah.

- J&K shall follow Art. 370 and have full autonomy, except in areas of Defence, External Affairs and Communication, which shall stay under the purview of the Indian government.
- **This article suggests as if we do not fully own the state and J&K is legally authorised to maintain an almost separate entity. This is one reason responsible for encouraging Pakistan and its terrorist groups to continue terrorism and unabated killings in J&K. They surely want to own the state that we have yet to own. It is astonishing that in the past 39 years (1964–2003) none of the subsequent governments, after Pandit Nehru have ever tried to repeal this curse afflicting the people of J&K.**
- This agreement was opposed to by Bhartiya Jan Sangh leader Shyama Prasad Mukherjee in J&K. He was jailed in J&K on May 11, 1953 and died in jail on June 23, 1953. It had serious repercussions in the whole country but the case was hushed up leaving a lot of doubt and resentment in the hearts of the people.

(iii) Shimla Agreement (July 3, 1972)

Between Indira Gandhi and Z.A. Bhutto (after Bangladesh war in 1971)

- Both will abide by UN resolutions
- Maintain status quo and peace and honour LoC (Line of Control) as on December 17, 1971
- Resolve differences through mutual dialogue without third party mediation (this is why Government of India harps upon that disputes be resolved in accordance with Shimla Agreement only)
- Hence were returned about 93,000 Pakistani Prisoners of War (POW's) taken captive by us in 1971 without any commitment to reach a solution to the pending issues within any time frame.

It was no agreement to any solution. This agreement was an opportunity lost and reflects the confused state of mind of Indira Gandhi. Possibly one more attempt to atone the guilt of her father.

(iv) Kashmir Agreement (February 1975)

Between Indira Gandhi and Sheikh Abdullah.

- J&K is an integral part of India but shall follow Art. 370. It was the head of J&K who was to run the state but was to follow government of India norms and to remain under President of India.

In fact we never owned J&K in true sense neither exercised our authority over it. Basically, we have been practising the policy of appeasement for the head of state in J&K. It has strengthened the head of the state, but deprived its people who somewhere within their hearts think as if J&K alone is their homeland where they live like permitted refugees – as second class citizens.

25.5 Present Scenario

(I) OUR PEACE-KEEPING FORCES AND HUMAN RIGHTS VIOLATIONS

- The Border Security Forces (BSF) and Central Reserve Police Forces (CRPF) posted to protect the life and property of the people there, many a time behave in a high handed manner and afflict cruelty on them. The saviours supposed to provide comfort and solace to those in distress turn goons. Many cases are reported but many more are suppressed. The fact remains that there have been excesses and people have been suffering at the hands of the security personnel. Arrogant and insulting attitude of these personnel is not new. Visit these areas as a common man or as a tourist and witness their scornful attitude even in simple matters. Our forces have also failed to control the killings there. Rather in false encounters they have killed innocents.

These are all negative signals causing more confrontation, ill-will, hatred and an increasing sense of betrayal among the people of J&K. By such acts we have lost goodwill of the people of J&K. This is no security. One can achieve no good unless there is a purpose and aiding sense of duties. **Human rights groups have been bringing barbaric acts of our saviours to the attention of media and government, but their attitude hardly relents, instead they become more contemptuous and abusive. What message are we trying to send out by such acts and how shall we provide solace to those in distress and abate terrorism is a big question mark? Or it too is just a lip service? Give them (para-military, police and defence) special powers (there being a move) and it may prove like releasing wolf out of the cage.**

(II) OUR INCOMPETENCE

- With such happenings and from what people talk and gossip, we can get the answer as to why our security forces meant to keep peace and tranquillity in the state and provide protection to its citizens, are so much hated and disrespected by the same citizens they are supposed to protect. Instead of being their protectors with a humane approach and behaviour they often act like rogues and barbarians. They tease and torture the same innocent subjects who have already suffered so much and live under constant threats and uncertainties. No surprise our youth take up to arms and terrorism.
- **The people of Kashmir have a great resentment against their country and carry a deep feeling of contempt and that is not a good sign. And this has been the situation since the beginning. Earlier Sheikh Abdullah created such conditions, now our police, security and the local administration are doing it.**
- Kashmiri *Pandits* have already fled from there and most are leading a pitiable life as refugees in migrant camps in their own motherland, on alms of others as noted already. Many Hindu families are now compelled to shift to PoK (news item, 2002), this is a matter of shame for us. And now the Sikhs also want to leave the place. The harsh reality is that we have failed to protect them and we want to win over Kashmiris and retain Kashmir with us? **Boasting of successful elections in J&K in 2002 under the shadow of massive paramilitary and security forces and yet killings of more than 800 innocent persons (BBC news) is no heroism.**
- Similarly, P.V. Narsimha Rao's warning Pakistan from the ramparts of Red Fort (Aug.15,1994) that, "We shall eradicate terrorism with

you, without you and in spite of you,” and later Vajpayee’s telling the nation (Aug.15,2000) that, “We will continue our battle against terrorism until this evil is destroyed roots and branches,” sound so hollow as on both occasions Pakistan resorted to killing our innocent people with more ferocity and vengeance and we could do nothing except watching it happen helplessly. Mere slogan shouting does not help except momentary clapping, unless these are backed up with deeds and determination. And so the battle continues and our innocent people get killed mercilessly like soft targets, despite our regular appeals to the US (after WTC disaster (also see Section 25.6)) to warn Pakistan to mend their ways. Next time we will have yet another leader chanting yet more fierce pledge and so shall continue Pakistan’s terrorism and killing of our people in J&K, gradually spreading roots in other parts of the country as well. Attack on Parliament on 13th Dec. 2001 and blasts in Delhi in Oct. 2005, Varanasi, North-East regions, Mumbai and regularly at J&K (Section 23.3) are a testimony.

- To combat terrorism we also sought foreign help. Our then Defence Minister Mr Fernandes visited Israel (June 2000) and requested for equipment and assistance to curb cross-border terrorism. During the same period our PM Mr Vajpayee went to Italy and other countries and asked for help to curb terrorism. **Is this not undermining our ourselves that we are asking others to help us after having spent all our lives and fortune in tackling this issue through our incapable polity, bureaucracy, police and para-military forces all put together?** On the other hand we want no third party mediation to sort out our border problems because it is our internal matter. So much so that even world leaders like US, Russia, UK, China and others take caution when they make a statement on India and Pakistan. Although cautiously, they do mention that India must enter into a dialogue with Pakistan and resolve the differences amicably before it is too late. Then why ask third countries for assistance to tackle our internal border problems? Can we never be sure of what we say and what we want? If we are so much accustomed to asking others for help in all matters because we are incapable ourselves, why not we better throw open our internal security and intelligence areas also for global participation? It may be available for a lesser cost and we may be more safe. It is also possible that in the process our neighbours are also snubbed. What our nuclear bombs couldn’t do, perhaps this may do. In the medieval period also various rulers would requisition military protection from the British to safeguard

their territories or fight wars for them at a price (also see Section 21.2). The same may be possible even now.

We are therefore either weak, incompetent, timid, lack will or lack vision. Possibly all. **Whatever it be, it is abundantly clear that our system, despite its enormous powers and authority, plays pygmy when it comes to doing something constructive.** They have belittled us in all spheres even in our self-esteem.

And so we pledge to wipe off the tears of our pathetic people of J&K!

- We had limitations in apprehending Veerappan because he inhabited in thick jungles. We fail to check cross border killings because our border is too long. While US can do surveillance of the whole world for any unwarranted activity sitting in their control room. We took 20 years with all our might to nab Veerappan in 2005 from a known area of his habitation. For everything our people have a limitation and a reasoning but not when it comes to harassing an innocent or killing him in an encounter, or in judicial custody. They are good at committing these cowardly acts. They lack discipline and a will to perform. Bad parents and poor upbringing can inculcate only poor traits. It is not surprising to see such quality of our protectors. After all they have learnt from what they have seen in their leaders and bureaucracy.
- **When a bridegroom brings his bride home it is his moral duty to protect her and provide her all comforts within his means. If he can't do this he should better stay a bachelor. Now that J&K has acceded to India, it is our moral duty to protect it from external aggressions and internal threats and provide opportunities to its people to prosper and lead a happy life. Sixty years is too long a period and things are surely out of hands. If we can't do it, let Pakistan do it. A false prestige is no prestige. Moreover, under the open market conditions we are in any case selling our PSUs that the government had taken in their fold with no less fondness than J&K but could not run them. When we are bent upon selling our country in bits and pieces we may not carry any regret or remorse in handing over Kashmir also to Pakistan. Look at the love they still have for it as young as 60 years ago and can provide it a better care within their means.**
- We got an opportunity during Shimla agreement, but we fumbled. What could have been our major gain in the 1971 war and possibly a lasting solution of Kashmir, was ruined under the leadership of

Indiraji and her bureaucracy. The agreement was silent on J&K. We won the war but remained defeated and cowards at the behest of our leadership and bureaucracy. If only exploding bombs could mean victory!

- Mr Vajpayee and his team went for nuclear explosions in May 1998 thinking it might act as a great deterrent and silence the barking dog behind the fence. Pakistan may feel small and take a retreat. What happened was just the opposite. They also exploded nuclear bombs soon after, despite a lure by US to help them in other matters if it desisted from doing that. Instead we have taken a retreat and they are riding high. General Musharaff is shouting at the top of his voice at all world forums to come and meet. After having refused for long we ultimately conceded to meet him in July 2001 but the meeting was a big fiasco.

(III) SOME GOVERNMENT ABSURDITIES

- Uma Bharti, the then Minister of Sports and Youth Affairs banned Indian participation in Sharjah cricket tournament (2001) because Pakistan was also playing. It reveals our contempt and hatred.
- Indian hockey team played with Pakistan in Dhaka during the same period (negating the above),
- BJP government extended cease-fire on border and in the state during the same period to send out message of peace and goodwill.

What will a common man gather from this? Is the cease-fire only to improve our standing in the world opinion? It shows diversities of opinions and a lack of cohesion within the government. Generally it is not the action but the reaction of an individual in our governance to satisfy his or her personal ethos (or egos), which have nothing to do with the people or the country.

(IV) PLUNDERING OF POOR MAN'S MONEY

If we take an account of the financial aids and other assistances provided to this state, the cash aids alone would be such staggering amount that one may be aghast. But not much development of the state is visible, neither any visible improvement in the condition of the people. **Public money in the name of aid, help, relief, assistance or development gets distributed amongst the government machinery itself. This culture and sense of irresponsibility and callousness in our governing system is the basic ailment afflicting our nation.** Swindling of money by the Governor of HP and Punjab is long known (Section 9.1). Much

more than this is true for J&K where the money spent is manifold than the money spent on HP or Punjab, but the condition of the state and its people tells a heart-rending tale. **Whatever tall claims the governments may make, the harsh reality is that in the last 60 years most of the money has been swindled by those who handled it.**

(V) DWINDLING MEANS OF EARNINGS

The regular disturbances and killings have almost crippled tourism, which was their major source of income. In the absence of development, there is lack of means of livelihood.³ Having most of its earning sources in shambles, people are largely living on government alms and we surely, cannot call it prosperity. Under these conditions J&K remains to be disturbed and a poor state by all counts.

25.6 Let us find a solution

BASIC LACUNAE :

- Nehruji promised to hold a plebiscite in Kashmir – that was never carried out. The UN resolution to hold a plebiscite* is also pending under status quo. But now UN argues it differently as noted in Section 25.4.

* Note

Now it is surely too late and irrelevant to implement this requirement, as the terms of reference now are totally different than what they were then and cannot be re-enacted to the original status.

- Article 370, still in force, extends a special status to the state, meaning thereby that we have yet to take the state in our fold.

Whatever be our legal claim on Kashmir, these lacunae remain. If we ignore these facts then surely there is no dispute and there arises no ground for a settlement. But the problem is Pakistan refuses to overlook it. It is therefore important, in our own interest, to remove these lacunae, by clarifying their misconceptions, whatever they are. And this is possible only by a dialogue and not by escaping from it.

- We can cite the Supreme Court judgement (October 2000) on *Narmada Bachao Andolan* rejecting the pleas of environmentalists Medha Patkar and Arundhati Roy. There is no legal authority above the Supreme Court yet these activists did not relent. Such is

3. Encouraged by the ongoing peace process, tourism seems to be picking up slowly from about 2004 and that is a good sign. The terrorism and regular killings that we are not able to abate, however, may not allow it to flourish for long.

the human behaviour. No one accepts the law if he feels it lacks prudence (even if he is wrong). Wherever people are not happy or they feel justice is eluding, such disobedience may show up. Sometimes it may also take an ugly turn if the matters are internal. Eventually Supreme Court had to relent in the face of Medha Patkar's fast unto death and directed the concerned governments to submit rehabilitation status of the people to be displaced and their means for the living (April 2006), if they wished the work on the dam to continue. It is a different matter that Medha Patkar's cries may go to wilderness, the state governments satisfying the centre and the Supreme Court on papers.

If the dispute is external it may take the shape of terrorism as in J&K. Therefore J&K tangle has to be resolved in the interest of all.

- An ordinary problem, not resolved in time becomes serious after some time and difficult to resolve. J&K is one such case which we have failed to address in the past 60 years. This is indeed too long a period and has rendered the conflict almost incurable. When things were manageable we fumbled and now with time a lot of agencies have emerged in both countries that are actively operating in this region and causing the persistent unrest.

We pressurise Pakistan through the U.S. to curb their terrorist activities (which Pakistan often calls a fight for self determination). US is also willing because it is in their interest, as they are equally affected by terrorism in the region. General Musharraf is also trying his best to woo both, despite resistance from within and threat to his life, in the hope that one day he will be able to have a dialogue with us and resolve the Kashmir issue ("stop terrorism" being our pre-condition to initiate a dialogue). But does not this mean a third party mediation or internationalisation of our internal matter? General Musharraf's visit in July 2001 turned out to be a big fiasco. **But it was inevitable as both countries refused to see the truth. And in today's scenario nobody would even dare do that. Under these circumstances, a settlement seems impossible.**

To arrive at a solution consider the following:

(i) Negotiations

Pakistan's lone bogey is Kashmir and they don't want to discuss trade, culture or LoC without addressing "Kashmir." **When they want to discuss only Kashmir and we want to discuss everything else but Kashmir, we can never arrive at a solution. This will only**

lead to more bitterness and more disturbances in the valley, which we may not be able to abate. Past events are an indication to it.

Let us accept this bitter truth. Whatever be our claim on Kashmir or our reasons for refusal to discuss it during negotiations, without Kashmir no solution seems to be in sight. More than Pakistan it is in our interest to arrive at a settlement, in light of regular killings that we are incapable of stopping and pitiable conditions of the local people which too we are unable to improve, besides the fortune that we are spending on the state at the cost of the welfare of rest of the country while the state still continues with special status under Article 370. **Therefore, we must discuss Kashmir and prove that it is our integral part rather than shying away from it.** Alternatively we must have the guts to opt for option (iv) noted below.

(ii) Status-Quo

We keep spending the wealth of the nation on police, security and defence and yet achieve nothing. The defence budgets shall keep on increasing but wars like Kargil we shall still fight on foot (Section 23.1). Killings we may never be able to stop neither prevent as the deeds of our past 60 years narrate. Our incapability to tackle the border disturbances or protect our Kashmiri populace has already belittled us in our own eyes and in the eyes of the world community. **If we can't guarantee them safety and social security then it is neither patriotism nor love for Kashmir or Kashmiri brethren. The logic is that a parent who is incapable of rearing his child must give it to the other parent who is willing to take care of it and rear it. This we hear so often in a divorce petition. Merely claiming Kashmir as ours and spending the fortune of the poor Indian people on it and yet not being able to protect the helpless Kashmiris, grossly defeats our claim. We must accept this failure of ours boldly and with a feel of guilt.**

(iii) Two or three nation theory

There are people who would suggest division of the state into three – Jammu, Kashmir and Ladakh. Some would suggest readjustment of territories where some areas of Jammu adjacent to Himachal Pradesh should be merged with Himachal Pradesh. Others may advocate making Kashmir a separate state and merging Jammu and Ladakh. So on and so forth. But unless the Kashmir tangle is resolved these suggestions are meaningless. The present exercise is not to create new territories but to resolve the Kashmir tangle with Pakistan.

*(iv) War***(Just a hypothetical analysis. We are against wars anyway)**

- Win the war and make them return Pakistan-occupied Kashmir back to us and define a new international boundary. Under the present situation a settlement over LoC through negotiations seems improbable. Although war in a civilized world is uncalled for and not warranted. US war against Iraq is unequivocally condemned by the whole world community.

At one stage we also thought that battles could settle disputes as Bismark⁴ once said "*Questions of the day are decided not by speeches, not by majority of votes but by iron and blood.*" It is better to fight a big battle and settle the score once and for all rather than fighting a dozen small ones and reaching nowhere. Aggression cannot be a solution. Wars were part of our ancient history when fighting battles was the only means to settle score. Times have changed. We now are living in a civilized world where every one practises certain restraints to maintain harmony amongst world community, like the family members of a large family.

- Many of us may still be in favour of a war. If we had taken this step earlier it was possible that we may have arrived at a solution by now. But it is very likely that the guerrilla wars (in the shape of terrorism) would have never stopped. It could have been a temporary win but not a lasting peace. (Despite US massive forces and vigilance unrest and killings in Iraq are regular features). Looking at our defence spendings and preparedness, war seems to be in the minds of our leaders. Had it not been so, there was no reason for having gone nuclear against world opinion and having rejected signing of the CTBT or stockpiling arms and test-firing *Agni* and other missiles. A nuclear bomb indeed is only a showpiece unless it has a purpose. All these deeds and actions can only lead one to question as to the purpose of such actions. Anyway, wars are no solutions in a civilized world as also containing terrorism through killings, otherwise there was no purpose of having UN after the Second World War after the failure of League of Nations to prevent wars.

Consider seriously what we have tried to convey as the next alternative. A quick and lasting solution is a must, adopting whatever means of settlement we consider prudent and appropriate. **We cannot**

4. Prince Otto Von Bismark (1815-1898) of Germany who united the German states into one empire.

permit our wealth going down the drain year in and year out like this, neither helplessly watch the killings of our innocent countrymen, their regular harassment, hardships and sorrows besides threat to our internal security.

(v) Unification

- Our message to both countries is to bury the past and start afresh hand in hand, with love and amity. Once again we unite and become one nation practising the philosophy of love and brotherhood. In other parts of the civilized world also people are dedicating themselves to such causes and sacrificing for their once separated brethren, friends, relations and fellow beings. Examples of West Germany adopting East Germany, unification of North Vietnam and South Vietnam and the efforts of unifying South Korea and North Korea are before us. Now whole of Europe is trying to unify to make a stronger Europe like USA, despite hurdles. And one day they may succeed. If others can unite, we also can. After all we have lived together for a thousand years under diverse conditions. In our case to unify just two nations should not be such a problem.
- **We are for unification and to emerge as a super power on the world scenario. After all we are parts of the same nation. We are a race where human feelings, sentiments and attachment for the fellow beings carry more values than breaking relations or living separately. These are human ecstasies. We cannot deny the fact that people here and people there still carry fond memories of our once togetherness. It is painful to feel that we have parted after such a long togetherness. Although I was a cradle child at the time of partition, yet I carry a great nostalgia of separation.**

Like us, there are millions on both sides who think so. We have seen this love and nostalgia in the eyes of our people as well as theirs. Even the *Kashmiri Pandits* with whom we have discussed this issue and who have suffered the most because of this ill-conceived partition, are also looking for a reunification. We are part of the same clan. **We were brothers then, we can be brothers again.** A partition in the courtyard of a joint family may temporarily separate the two brothers but not the parents. Heart to heart we want to be one. There is no animosity amongst the general people. **Earlier it was a political absurdity, now it is a political compulsion that is keeping us apart.** In the changed world scenario, where the whole world has shrunk to a small globe, people are trying to come closer (irrespective of their religion, language, culture or economy) to foster

a feeling of understanding, brotherhood and togetherness. Globalisation has made this all the more meaningful. Under the changed scenario it is no wisdom to stay separate. **We therefore appeal to the people of the two nations to shed their hatred and animosity for each other and join hands and souls to become one nation again – as we once were.** We have witnessed the warmth, love and affection for each other in 2004-2005 through Indo-Pak cricket, Muzaffrabad bus and Musharraf's visit to India and our various delegations to Pakistan. It surely is a good move in this direction and one day we are sure to be one again. And then we will reconstruct all that we have demolished in the past 60 years and provide solace to all who have suffered. **We do hope people of the two nations will give this appeal a serious thought. We being staunch supporters of unification shall sincerely be pursuing this philosophy until the last like Medha Patkar of Narmada Bachao Andolan.**