

## **The Kashmir: An Unresolved Dispute Between India and Pakistan**

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### **Abstract**

Jammu & Kashmir, since its creation as a Princely State on March 16, 1846, as a result of the Amritsar Treaty between the East India Company (later the British Government) and the Maharaja Gulab Singh, has always been a victim of its geography, on account of its location on the threshold of the major powers, both in the past and the present. The State has been subject to consistent pull and push from within (as the State is comprised of the three mutually exclusive geo-ethnic regions with hardened cleavages) and outside. It has never been a stable polity, rather a ramshackle State. Earlier it was a source of rivalries between the Russian, British, and the Chinese, but there is no history of their direct involvement in armed conflicts whatsoever. But, since the withdrawal of the British, following the creation of the two Dominions, India and Pakistan, Jammu & Kashmir has been the bone of contention between the two as they fought three wars on Kashmir in 1948, 1965, and 1999. One-third of Jammu & Kashmir is under Pakistan's occupation since the cease-fire went into action on January 1, 1949. The Kashmir dispute is an international dispute, and it is more than 62 years old. The Kashmir conflict, however, apparently appears to an outcome of a 'communo-legal' dispute, with Pakistan advocating for a communal solution to the conflict, while India sticking to legal aspect of the accession as per the Indian Independence Act 1947. The entire South Asian geopolitics is focused on the Kashmir, and the peace in the region necessarily depends on the successful resolution to the dispute. The present paper is an attempt at tracing out the true genesis of the Kashmir dispute since 1948, and evaluating the various proposals, drawn up in successive years, to resolve the conflict.

**Keywords:** Kashmir, Paramountcy, Instrument of Accession, Standstill Agreement, Plebiscite, Conflict Resolution.

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**Introduction**

The Kashmir dispute and / or conflict between India and Pakistan is a little more than six-decade old, having been originated on August 15, 1947, on account of the partition of British India between India and Pakistan along the religious pattern. Till date, there is no end to the Kashmir dispute between India and Pakistan. Although both the countries have recently shown their determination to end the conflict, but still there is something to be resolved. The dispute originated before the beginning of the cold war, and it continues even in the post-cold war world of the 21st. century. The conflict is an outcome of the failure of the then British Government to implement the Government of India Act 1935 that envisaged a federal set-up between the quasi-sovereign Indian States, numbering 562, and the British Provinces. The British Government failed to motivate the Indian States to accept the federal principle in their larger interest. Another reason was the communal split that the Indian Nationhood suffered on account of the Two Nation Theory, and its politic-geographical expression in the form of the partition of British India into India and Pakistan. Muslim majority areas of the British Provinces went to Pakistan, and the Hindu majority areas went to India. The communal doctrine for the partition was only applicable for the division of the British Provinces. It was not applicable for the Indian States. Their relations with the Provinces were to be governed by the federal principles of the Government of Indian Act 1935, provided the States decided to share political link- up with them.

Over the decades and years since, October 26, 1947, the day the Maharaja of Kashmir signed the Instrument of Accession in face of the massive infiltration of the tribal Muslims to take control of the State, the Kashmir dispute has intensified to the extent as to have caused four wars between India and Pakistan in 1948, 1965, and 1999 (confined to limited area) on Kashmir. The 1971 Bangladesh war was not fought over Kashmir, but it had its impact(s) felt over Kashmir. Jammu & Kashmir is, perhaps, the only political territory in the world, having been divided and apportioned by the three nuclear-arm countries: India (the Vale of Kashmir, the bulk of Jammu, and a small part of Ladakh), Pakistan (the whole of the Northern Territory consisting of Gilgit and Baltistan, a small part of the Vale and a part of Jammu together called Azad Kashmir), and China (a greater part of the Aksai Chin area of the Ladakh Region).

One fact needs to be mentioned here that Jammu & Kashmir is consisted of geographically three mutually exclusive geo-ethnic territorial units: the

Muslim Gilgit and Baltistan and, the Vale of the Kashmir, the Hindu Jammu region and the Buddhist Ladakh. The Muslims of Gilgit and Baltistan belong to the Posthu tribes and have close ethnic affinity with the Paktuns of the North West Frontier Province of Pakistan and Afghanistan, while the Muslims of the Vale are ethnically different from the Posthus, while the Buddhists of the Ladakh are ethnically akin to the Tibetans, while the Hindus of the Jammu Region are akin to the Hindus of the Northwest India.

These three separate geo-ethnic territorial units were brought together to form the State of Jammu & Kashmir in 1846, as a result of an agreement called the Treaty of Amritsar of 1846, between the British Government and the Maharaja Gulab Singh, signed on March 16. Accordingly, the British Government transferred and made over forever in independent possession to Maharaja Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies and.....the territories ceded to the British Government by the Lahore State according to the provisions of the Article IV of the Treaty of Lahore, concluded between the Sikhs and the British Government on March 09, 1846 (Woodman, 1969: 352). Jammu & Kashmir was, in fact, created as a Frontier State under the British Protectorate to protect the British frontier in the South Asia, and to resist the Russian expansion in the region. With the recession of the Russian threats, following the Anglo-Russian Convention 1897 on Afghanistan, and in the latter years, it resisted the Chinese expansion, and protected the British interest. Ever since its creation on March 16, 1846, Jammu & Kashmir has remained a 'ramshackle' State, with greater amount of political instability because the Posthu community of the State had never compromised with the Hindu Maharaja.

However, the Muslims of the Vale and / or the Valley have cordial relationship with the Maharaja, and the local Hindu pundits with whom they shared a common genre de vie despite having different religious adherence. There was perfect communal harmony between them. Gulab Singh and later his son Hari Singh ruled Jammu & Kashmir with the British help. Political crisis developed soon after the British withdrawal, and the Posthus of the Gilgit-Baltistan, who had always opposed the Hindu Maharaja revolted against his authority, but the rebellion was suppressed, but the Muslims of the Vale, popularly called the 'Kashmiri Muslims' had never been aggressive against the Hindu Maharaja, and the Hindu pundits, the reason being the composite nature of the population structure of the Vale with a common way of life. Though the Muslims were in majority in the Vale, but

the minority Hindu Kashmiri pundits had never faced any opposition from the majority community, and so was the experience of the Maharaja.

Jammu & Kashmir is divided between India and Pakistan by the 'Line of Control' (the erstwhile Cease-Fire Line laid down following the cessation of the first India-Pakistan war over Kashmir in 1948, and became effective on January 1, 1949, however, under the UN supervision). It cannot be said with certainty when China did occupy the substantial part of Ladakh, as it was only detected in 1955 by an Indian police patrol party. China's occupation of the Ladakh region further extended and widened in 1959 and finally during the 1962 India-China war. There is the 'Line of Actual Control' across Ladakh between India and China.

However, the Kashmir dispute is between India and Pakistan, and the present paper exclusively deals with the conflict between the two countries. The Sino-Indian dispute over Ladakh does not fall within the purview of the present paper as it is a different issue. The present paper has two issues to be dealt with: the genesis and reasons of the Kashmir dispute / conflict; and the nature of successive attempts towards conflict resolution to the dispute / conflict.

The present paper is based on the archive documents, government proceedings and records of pre-Independence India, historical sources and post-Independent reports, besides up-to-date news paper information.

### **Genesis of the Dispute**

To understand the genesis of the Kashmir dispute / conflict, it is necessary to look back at the past history of India, particularly the political relationships between the quasi-sovereign Indian States, and British India in the light of the Government of India Act 1935 that envisaged a federal polity in British between the Indian States and the British Provinces, and the processes leading to the merger, accession and subsequent integration of the Indian States with the Indian Union before the British withdrawal on August 15, 1947.

Needless, to say that the Indian Independence Act of 1947, passed at the British Parliament, was designed to create the two Dominions: India and Pakistan, and in accordance with it, the British Provinces were territorialized along the geography of the religious pattern (s). The Muslim-majority territories of the Punjab and Bengal went to Pakistan, besides the Provinces of Sind, Baluchistan and the North West Frontier Province, while the remaining British Provinces stayed with India. With regard to the Indian States, there were the provisions of the Instrument of Accession and the

Standstill Agreement in the Indian Independent Act 1947, and it was left upon the Indian States to merge or accede with either of the Dominion: India and Pakistan. There was no third option for them (Palmer, 1961: 88-90). There were altogether 562 Indian States, spread across the Sub-continent, with varying geographical size, and majority of them were land-locked (Phadnis, 1968: 200).

Before partition, the British Parliament had passed the Government of India Act of 1935 to define and set up the constitutional relationship between the Indian States and British India. The Indian Government Act of 1935 was specially designed to give a federal character to British India—a kind of ‘co-operative federalism’ between the Indian States and the British India. The difference in the scope of powers of the Central authority in the executive, legislative and judicial fields with respect to States and Provinces as well as the peculiar position of the Crown, specially in its relationship with the States, gave the federation a character which was without precedent anywhere in the world. ‘The Federation of India could be established only when the Rulers of the States, representing not less than half the aggregate population of the States and entitled to not less than half the seats to be allocated to the States in the Federal Upper Chamber, signified their desire to accede to it’ (Government of India Act 1935 [Delhi, Government of India Press, 1936, Section 5 [2)]<sup>1</sup>).

However, the accession of a state to the Federation could be effected by the King’s acceptance of an Instrument of Accession executed by its Ruler; and with respect to a federated State, federal authorities could exercise such functions as may be vested in them by or under the Act ‘by virtue of his Instrument of Accession, but subject always to the terms thereof.’ (ibid. n. 1, Section 6 [1]). Once an Instrument of Accession was executed by the Ruler on behalf of ‘himself, his heirs and successors,’ and accepted by His Majesty, it permanently and irrevocably limited the Ruler’s sovereignty to the extent to which he acceded to the Federation. Though the accession was to be voluntary, the Rulers were expected to accede .....and the content of accession was to be as uniform as possible for all the States (Menon, 1956: 35).

A Ruler might, by a supplementary Instrument of Accession, executed by him and accepted by His Majesty, agree to an extension of functions of

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1. Underlined references in the text are original classified documents, collected from various Government Sources.

federal authorities in relation to his State (Government of India Act 1935, n. 1, Section 6 [3]). The Instrument of Accession, once accepted, was to be conclusive 'to the extent of Federal authority, both legislative and executive, in relation to that State', and for the purpose of determining federal jurisdiction due judicial notice thereof was to be taken by the Federal Court (Eddy & Lawton, 1938: 32).

The years following the introduction of 1935 Act were of momentous significance to the States' people. Although the Act accepted many of the safeguards which the Princes demanded, they continued yet to bargain for terms which they thought would be necessary to preserve inviolate internal autonomy and their monopoly over power. Almost simultaneously, however, the States' people's movement gained momentum. The Rulers were successful in suppressing the movement in many States, but in others they had to come with the people (Phadnis, 1968: 115).

Eight years before the introduction of the Government of India Act 1935, An All India States' People's Conference (AISPC) was formed in December 1927 to spearhead the popular movement against the oppressive functioning of the Rulers who were in league with the British Government to safeguarding their power and position. The people of the Indian States were demanding freedom of association and speech, and constitutional reforms such as the establishment of elected legislatures, constitutional governments and the role of law, they also pressed for the redress of their economic grievances and relief from the political highhandedness of their Rulers

The Posthus of Gilgit-Baltistan region of Northern Jammu & Kashmir had earlier revolted against the Ruler of the State, and sought for their freedom from the control of the Maharaja Hari Singh. The people of Kashmir under the leadership of Sheikh Abdullah had founded the Muslim Conference, begun their movement for the establishment of the democratic norm in the State. The main demands of the Muslim Conference were grant of responsible government, elected legislature, special safeguards to minorities in all sphere, equal opportunity of employment to all without any discrimination of race, class or caste, freedom of life, liberty and property, or association and speech (Proceedings of The States People, (Events in Kashmir) Vol. 1, No. 1, 1938, 6A-B). But the Maharaja suppressed the movement with Sheikh Abdullah having been imprisoned for instigating the people.

Instead of responding to the wishes and aspirations of the Kashmiri people, irrespective of ethnicities and religious affinities, the Dewan of Jammu &

Kashmir chose to malign their political movements as communal in character. He maintained that the State's people's organization was promoted by the Muslims against the Hindu Maharaja. It was on the advice of Pandit Jawaharlal Nehru the Muslim Conference of Kashmir was converted into the National Conference and included prominent Hindu and Sikh leaders (Proceedings of The States People, Valley of Flowers into Valley of Tears: struggle for Freedom in Kashmir), vol. 1. No. 5, 1939: 27-34).

Repressive methods continued in Jammu & Kashmir together with other Indian States to suppress the popular demands for democratic and other constitutional demands. In Jammu & Kashmir, there were two kinds of movements, one aiming at complete secession from the State and was confined to the Gilgit-Baltistan region of Northern Kashmir, and the other seeking for democratic reforms vis-à-vis people's participation in the administration, and was confined to the Central Valley of Kashmir, and in the Jammu region, while there was no such strong popular movement in the Ladakh region. Thus, the Maharaja was caught in between the two opposing kinds of political dynamisms that largely threatened his position.

The Lahore Convention of the Muslim League in 1940 was a milestone in the annals of Muslim resurgence in British India, because at the convention itself the Muslims were defined as a distinct 'Nation' and a separate 'Homeland' for the Muslims was demanded by none other than Md. Ali Jinnah, who had earlier opposed the very idea of the Muslim League for an independent and sovereign and separate Muslim State to be created in British India. The very demand for a separate Muslim homeland was dubbed as illogical and impractical by him (Adhikari, 2008: 25). The Lahore Convention of 1940 gave a relative strength to the 'Two Nation' theory that finally formed the basis for the partition of British India between India and Pakistan along the communal line pattern. Although the Lahore Convention of the Muslim League of 1940 had no geopolitical effect on the National Conference-led popular movement in Jammu & Kashmir, but, certainly, it had geopolitical consequence on the on-going secessionist movement in the Gilgit-Baltistan Region of Northern Kashmir.

The Maharaja of Jammu & Kashmir State, and the Nizam of Hyderabad State, while refusing to accede in various items, were putting several reservations on the items which they prepared to accept, They demanded that the federal government should not directly exercise any functions in their States, but should devolve them on the State Governments which could work as agents of the Government of India Foreign and Political

Department No. 246, Federation Secret, 1939-1940).

On the opposition of the Princes of the Indian States with regard to the Instrument of Accession, the British Government on the advice of the Viceroy presented a revised draft of the Instrument of Accession to the Rulers of the States, but, still the Rulers had reservations about the revised draft of the Instrument of Accession. Instead of a federation of Indian States, the Rulers were in favour of a confederation of Indian States, rather than a federation of Indian States with the Provinces, which the Government of India refused to concede. The British Government had envisaged a plan for a cooperative federation, which the smaller Indian States had agreed to proceed. But, the larger States like Jammu & Kashmir, Hyderabad, Cochin-Travancore had opposed formation of such cooperative groupings, and integration as well with the British Provinces. They had always looked forward to independence at the expense of their subjects and / or people who had sought for integration with the people of India. There is no doubt to the fact that the States had provided all sorts of help to the British Government in the war, and had contributed considerably in men, army, money and material (Proceedings of the Meetings of the Chamber of Princes, 1940, n. 4, 11 & 1942, n.4. 29).

The fall of Burma and Singapore in early 1942, and the success of the Azad Hind Fauz of Netaji Subash Chandra Bose against the British army brought the Axis Powers to the borders of India and the British Commonwealth and that led the Government to think of measures to enlist the cooperation of different political parties in British India which had so far rejected the British Government's call for support in the war, but the Princes of the larger Indian States, including Maharaja of Jammu & Kashmir readily agreed with the perception and anticipation that after the war they might be awarded with the attainment of self-government, or even 'independence' (Linlithgow, 1945:199-211). It was against the background of on-going war and the persisted demand by the people of India for constitutional reforms vis-à-vis demand for self-rule that the British War Cabinet announced the decision of sending Sir Stafford Cripps with the proposal for India's attainment of self-government after the war.

Sir Stafford Cripps announced his proposals on March 29, 1942. The Draft Declaration consisted of two parts: a long term offer designed to grant self-rule with an elected body with the task of framing a new Constitution with dominion status. The Constitution would be framed subject only to two conditions, namely, that a Province or Provinces had the option to secede

from such Union, and secondly, that a treaty would be signed between His Majesty's Government and the Constitution-making body to cover 'all necessary matters arising out of the complete transfer of responsibility from British to Indian hands, while the short term offer was intended to seek support and cooperation of all political parties in the Councils of their country, in the Commonwealth and the United States for the defense of India and the prosecution of the world war effort as a whole' (Coupland, 1942: 29).

However, the Cripps proposals were, rather ambiguous with regard to the Indian States, except for the provision made for their participation in the Constitution-making body. But, proposals did identify the two categories of Indian States: adhering States and non-adhering states. The later category of States would have the right to form and negotiate for a Union of their own with full sovereign status in accordance with a suitable and agreed procedure specially designed for the purpose, and in case of the former Paramountcy would be automatically dissolved, and the States would be finally integrated to the Union (Foreign and Political Department. No.192, Political Secret, 1942). Jammu & Kashmir State and the Hyderabad State expressed their desire to be separate units with no organic connection with the Indian Union, but direct treaty relations with the British Government.

Although the Foreign and Political Department under the Government appreciated the 'soundness of the argument' with regard to the 'desire' of the Rulers of Jammu & Kashmir and, Hyderabad, but at the same time doubted its practicability because non-acceding States, surrounded as it would be by the territories fully self-governed, could never have friendly relations with the Union. In that case British forces would be in the States to protect them, a minor class between the British forces and Indian forces might create considerable confusion. In order to avoid such a situation, it was suggested to the States to look to the Indian Government not to the British Government in the future (Phadnis, 1968: 140).

A Special Committee of Rulers and Ministers was convened in Bombay in April / May in 1945 to discuss the question of political adjustment between the States and British India, and a resolution to this effect was taken in another meeting of the Committee held in June 1945. The resolution necessarily focused on 'what would be the position of the States once India emerged as a Dominion even without adherence of the States?' The Committee therefore resolved and recommended the setting up of suitable machinery for regular consultations between the representatives of the States and the representatives of British India with regard to the matters

of common interest and concern during the interim period (Patiala Achieves, Chamber of Princes. III (b) 77 of 1946).

The Labour Government in Great Britain announced, on September 19, 1945, the steps that the British Government intended to take for the grant of self-government to India. These steps were to be as follows: a treaty between Britain and India; the summoning of a constitution-making body soon after the elections; consultations with the representatives of the States and the formation of a new Executive Council having support of the main political parties (Gwyer & Appadorai, 1957: 567-568). Though the Princes welcomed the announcement vis-à-vis the plan, but they made clear that any such Constitution would be subject to ratification by the Princes; that the monarchical form of government in the States should in no way be discussed by them; and that their existing treaties and sanads would not be altered unilaterally without their consent (Patiala Achieves, Chamber Section. VII (a) 1 of 1946).

On February 18, 1946, the Labour Government announced the appointment of a Cabinet Mission to help settle with Indian leaders the steps for achieving early realization of full self-government in India. The British Prime Minister Attlee referred to the Indian States and expressed the hope that Princely India and British India would cooperate with each other. In their talk to the Cabinet Mission, the Princes made it clear that the States wished to retain their maximum degree of sovereignty, and none of them wanted a constitutional set-up as envisaged in the Government of India Act 1935, rather they would prefer to a 'loose federation.' The Princes even argued that if there could be two Indias, there was no reason why a Third India composed of States should not be recognized? The Rulers also raised several questions regarding the 'future government of Greater India' (Patiala Achieves, Chamber Section. VII (a) 1 of 1946). They pleaded that Paramountcy should not be transferred to an Indian Government or governments but should lapse and, the States should not be forced to join any union or unions, that there should be prima facie no objection to the formation of a Confederation of States if the Rulers so desired and there should be no interference in their internal affairs by British India (Menon, 1956: 56).

In reply, the Cabinet Mission explained the future policy of the British Government with regard to the Princes. On the issue of Paramountcy, the Mission made it clear that if British India became independent, Paramountcy was bound to lapse and the Princes would be released from their treaty obligations. The idea of Confederation of the Indian States was

favoured by a section of the British Indian Government, but Sir Stafford Cripps, the head of the Mission doubted its feasibility and practicability, given the geographical constraints of India.

On May 16, 1946, the Mission announced its Plan for setting up a Constitution-making authority. With regard to the Indian States, the Plan made it clear that after India gained freedom, the relationship which had exist red hitherto between the States and British India would no longer be possible. "Paramountcy can neither be retained by the British Crown nor transferred to the new government(s)." The Princes had expressed their willingness to cooperate in the future constitution of India. The Plan also made it clear that the precise form which their (Princes) cooperation would take 'must be a matter for negotiation during the building up the new constitutional structure and by no means follows that it would be identical for all the States' (Papers Relating to the Cabinet Mission to India, 1946 (Government of India Press, Delhi, 1946: 1-7).

With the Muslim League finally decided not to join the Constituent Assembly in august 1946, the Princes got divided with the Muslim Rulers, Dewans and Nawabs of the States, led by the Nawab of Bhopal group of States, declared their opposition to participate in the constitution-making process, while the Maharaja of Patiala together with other Hindu Princes favoured declared their participation in the Constituent Assembly. However, the Maharaja of Jammu & Kashmir was non-committal on the issue because of the locational vulnerability of his State and its composite nature of ethno-territorial complexes, of course, with a Muslim majority in the State. The Maharaja had no control over the Northern region of his State comprising of the Posthu tribe-held Gilgit-Baltistan region. History suggests that neither the Cripps Mission nor the Cabinet Mission had visited the region to ascertain the view of the Posthu people. Since, Sheik Abdullah was imprisoned in during this period, the popular movement launched by the National Conference in Jammu & Kashmir got weakened and failed to draw the attention of Sir Stafford Cripps.

In the meantime, the Statement of the British Prime Minister Mr. Attlee in the House of Commons in London with respect to the States that: 'His Majesty's Government does not intend to hand over their powers and obligations under Paramountcy to any government of British India. It is not intended to bring Paramountcy as a system, to a coalition earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relation of the Crown with individual State may be

adjusted by agreement (Menon, 1956: 73). This statement of Mr. Attlee was resented by most of the Princes. Larger States like Jammu & Kashmir, Hyderabad, and Travancore-Cochin declared that after the transfer of power, they would be independent. Nevertheless, pressure from within and from outside changed the attitudes of the reluctant Princes, and they agreed to a formula prepared by the Maharaja of Gwalior, which inter alia 'permitted the Princes to enter the Constituent Assembly at any stage they might deem fit after the Assembly had ratified the Agreement between the Negotiating Committee of the Princes and the Assembly. This resolution was adopted unanimously first by the Conference of Rulers and later at a joint Conference of Rulers and Ministers of States (Patiala Achieves, Chamber of Princes, VII (a) 17 of 1947: Confidential).

At a meeting of All India States' People's Conference on April 17-18, 1947, Pandit Nehru warned the Princes that 'all those who do not join the Constituent Assembly now would be regarded as hostile States, and they will have to bear the consequences of being so regarded. Our aim at present is to liberate as much of India as we can—half or three-fourths—and then to deal with the question of independence for the rest' (Hindustan Times, April 21, 1947).

However, the Muslim League leaders like Mr. Liaqat Ali Khan and Mr. Md. Ali Jinnah strongly renounced Pandit Nehru's warning to the States, and asked the States not to be threatened by it, rather they were perfectly entitled to refuse participation in the Constituent Assembly. It was further told to them that States were to be independent with the termination of British Paramountcy. As the Muslim League refused to join the Constituent Assembly and continued to insist on its demand for a Muslim State (Pakistan), the Congress leaders agreed to the partition of India. On June 3, 1947, Lord Mountbatten on behalf of the British Government announced that long before June 1948, the Dominions of India and Pakistan would be established and the question of Indian States would be dealt with in the light of the Cabinet Mission's Plan of May 12, 1946. (Mitra, 1947:218). Next day in a press conference it was declared by him that the British Government would relinquish power by August 15, 1947, and the British Paramountcy would also lapse on that day (Menon, 1956:84).

The partition plan drew the inevitable reactions from the States, and they were equally divided. Some of them continued to favour independence after transfer of power without bordering to geographical and economical compulsion, and still hoped at form a Third State—a Statistan (Phadnis, 1968: 179). The question of the lapse of Paramountcy as announced by the

British Government undoubtedly raised legal issues with regard to the political status of the Indian States. As per the Cabinet Mission's plan of May 12, 1946 that once the Paramountcy was allowed to be lapsed on the transfer of power, then it would revert to the States making them independent of the Dominions. However, Pandit Nehru talked of an 'inherent' Paramountcy in the dominant state in India which must remain because of the reasons of geography, history, defence etc (Poplai, 1959: 168). Still a section of the Princes believed that they were free to decide their own political future despite the lapse of Paramountcy. The Maharaja of Jammu & Kashmir was one of them who had right from the beginning contested that the lapse of Paramountcy meant independence. The Governor-General Lord Mountbatten made it clear that 'states could not enter the Commonwealth separately as dominions'. The British Government emphatically declared that the British Government would not recognize 'any State as a separate international entity', and the Prime Minister Mr. Attlee, speaking on the Independence Bill in the House of Commons, hoped that 'no irrevocable decision to stay out prematurely' will be taken (Parliamentary Debates, House of Commons, 1946-1947, Vol. 439, June 11, July 1947: London, His Majesty's Stationary Office, 1947, Col. 2452).

As regards the question of the future relationship of the States with the successor government, it was thought that some sort of an Instrument of Accession based more or less on the model of the draft Instrument of Accession of 1935, might be prepared. Accordingly, the States Department prepared a draft Instrument of Accession and revised the original draft of the Standstill Agreement prepared by the Political Department. The draft Instrument of Accession prepared by the States Department removed all ambiguities it had earlier, say in the Act of 1935, and made it uniform and identical for all. The draft Standstill Agreement was also made identical for all the States. It stated that: 'all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian States, specified in the Schedule should continue unless new arrangements in this behalf are made.' Lord Mountbatten, the Crown Representative had appealed to the Princes to join either Dominion before August 15, 1947.

Because of geopolitical compulsion from within and outside of their respective States, following the creation of two Pakistans as West Pakistan in the Northwest, and East Pakistan in the eastern Gangetic delta of the subcontinent, compelled Indian States to accede to India before August 15,

1947 without any problem. Thus, with the exception of Jammu & Kashmir, Hyderabad, and Junagardh, the States' accession and integration with the Indian Dominion was brought about 'peacefully through negotiations before August 15, 1947, and in a little over two years after independence the political geography of India was rationalized by the merger or the consolidation and integration of the States....India was unified as never before in her history.....' (Srinivasan, 1954: 108).

.Junagarh acceded to India following a plebiscite, though the Nawab of Junagardh wished to accede with Pakistan. Similarly, the Nizam of Hyderabad had also decided accession with Pakistan, and as a step he signed a Standstill Agreement with Pakistan, but his people, predominately Hindu, revolted when the desire of the Nizam became known. The Nizam's police, called Rajakars started suppressing the rebellion in a very ruthless manner and that prompted India's limited military action. In the ensuing conflict between the Rajakars and the Indian military that lasted for 48 hours, the Rajakars ultimately surrendered and, the accession of Hyderabad with Indian Dominion was secured in November 1948 (Government of India, Ministry of States, White Paper on Indian States ,Delhi 1950).

The Maharaja of Jammu & Kashmir, perhaps under geopolitical compulsion from within on account of the majority Muslim population, preferred to remain independent of both India and Pakistan, given the political and legal condition arising out of the lapse of Paramountcy. Palmer (1961: 88-89) was right in his opinion that 'with the termination of Paramountcy, legally the Indian States thereupon became independent.' Therefore, the Maharaja of Jammu & Kashmir 'was legally independent, and not bound by the Indian Independence Act of 1947 following the lapse of Paramountcy.'

Geographically, Jammu & Kashmir was inclined towards West Pakistan because its contact with the outside world used to be carried forward through Karachi port across the Punjab and the Sind Provinces of the erstwhile British India, now, since these Provinces made up the constituent units of the new Dominion, Pakistan after the partition, there was no option for the Maharaja but to sign the Standstill Agreement with Pakistan (it was signed on August 16, 1947) for commercial and other economic functions, besides access to the outside world (Mayfield, 1955: 178-179). The Maharaja had known that he could not antagonize Pakistan for access to outside world for his people, trade and commerce which, in no way, were possible through India as there was no proper link with India. In the

prevailing fluid political situation the Maharaja was right in signing the Standstill Agreement with Pakistan.

Nevertheless, the Maharaja had also urged the Government of India to sign the Standstill Agreement which the later refused to oblige the Maharaja. Instead the Government of India insisted the Maharaja to sign the Instrument of Accession. It was a very difficult moment for the Maharaja to decide which way to go? If he had signed the Instrument of Accession in favour of India, the entire Muslim community of the State would have risen to rebellion against him. The Posthus of the Gilgit-Baltistan Region of Northern Kashmir had already revolted against the Maharaja, and a substantial part of the region was under their control, which the Kashmiri police could not take back (Korbel, 1954).

Faced with this problem, the Maharaja did not want to antagonize the Muslim vis-à-vis Pakistan. Similarly, accession with Pakistan would have antagonized the Hindus and Sikhs of the Jammu Region, besides the Buddhists of the Ladakh region. Sardar Patel, the Interior Minister of the Government of India and Md.Ali Jinnah, the Governor-general of Pakistan had attempted to convince the Maharaja, in their own ways about the benefit(s) of accession with their respective countries. The role of Lord Mountbatten, the Governor-General of India was ambiguous. Overtly, he favoured accession of Jammu & Kashmir with India, and covertly he wanted the Maharaja to sign the Instrument of Accession in favour of Pakistan.

There was no denying to the fact that Jammu & Kashmir occupied a strategically very sensitive geographical location on the threshold of the High Asia and the South Asia, because the route to the High Asia and / or Central Asia passed through India vis-à-vis Jammu & Kashmir. Perhaps, in the background of the emerging geopolitical complexities in around the High Asia-South Asia, the Maharaja wished to play the role of an honest broker not only between India and Pakistan, but also between the emerging power nodes in the post-World War II World. And, that is why he preferred independence of both India and Pakistan (Birdwood, 1956).

By signing the Standstill agreement with Pakistan, the Maharaja thought he could neutralize Pakistan or he could keep Pakistan at a considerable political distance, and he sought for the same agreement with India with the same perception. But his position weakened following India's categorical refusal to sign the standstill Agreement. The role of Sheikh Abdulla of the National Conference, who at the time, commanded widespread popular support across the Vale and the Jammu-Ladakh region, was non-committal

to the question of accession with either India or Pakistan. His acquiescence on the issue landed him in suspicion. However, Sheikh Abdulla was not trusted by Pakistan because of his close proximity to Pundit Jawaharlal Nehru, but a large section of the Congress men also suspected him to be pro-Pakistani. It was almost certain that Jammu & Kashmir could not remain independent when all the Indian States had acceded to either Dominion.

Indecisiveness on the part of the Maharaja with regard to accession angered both India and Pakistan. But, Pakistan became desperate and restless also, given the ambiguous stand of the Maharaja on the accession issue. Pakistan conspired with the Pathan-armed tribes of the North West Frontier Province (NWFP) and the Posthus of Gilgit-Baltistan Region against the Maharaja, and organized a massive armed infiltration into the State. It was on October 22, 1947, the tribal Muslim invaders backed by Pakistan infiltrated into Kashmir (Gupta, 1966). The Kashmiri police collapsed and the invaders arrived very close to Srinagar, the capital of Jammu & Kashmir. Seeing the imminent fall of Srinagar, the Maharaja fled to India, where he bargained with the Indian Government urging them to support him militarily, because he still believed in independence.

On India's refusal to help him unless he signed the Instrument of accession, the Maharaja signed the Instrument of Accession on October 26, 1947, and with this, Jammu & Kashmir acceded with the Indian Union. The accession with India was not voluntary rather imposed on the Maharaja under an extra-ordinary political situation following the tribal Muslim invasion. But, it was definitely done as per the provision(s) of the Indian Independence Act 1947 with regard to merger of the Indian States with either Dominion. Legally it was correct, but ethically, perhaps, not correct. It is also true that legal aspects always hold precedence over ethic. However, on October 27, 1947, the Governor-General Lord Mountbatten declared that: 'as soon as the law and order have been restored in Kashmir and her soil cleared of the invaders the question of accession would be settled through a reference to the people.' However, the accession of Jammu & Kashmir with India opened up a new beginning not only in the annals of Jammu & Kashmir but also in the annals of the South Asia (ibid). Pakistan strongly protested and disapproved the accession. Pakistan questioned the authenticity of accession with India (Brecher, 1953). However, Sheikh Abdulla welcomed the accession of Jammu & Kashmir with India though he was earlier non-committal in this regard.

Soon after the Instrument of Accession was signed the Indian army moved into Jammu & Kashmir and swung into action. As the invaders were being driven out by the Indian army, and the occupied areas being freed from the invaders, Pakistan moved her army to fight the Indian army in the early 1948, and Indian and Pakistani soldiers became involved in a war that lasted for few days. Pakistan earlier denounced that her army was fighting in Jammu & Kashmir, though India had formally complained to the UN Security Council on January 1, 1948, contrary to the advice of Sardar Patel, the Interior Minister of the Government of India, who wanted that the army operation to continue till Jammu & Kashmir was cleared of the invaders and the Pakistani army. In the meantime, an interim government was installed in Jammu & Kashmir with Sheikh Abdullah of the National Conference and a close Kashmiri confidant of Indian Prime Minister Pundit Nehru, as the working Chief Minister of the State. Still the accession was 'loose' in nature, and the State was not fully integrated into the Indian Union. In 1952, there was an agreement between Pundit Nehru and Sheikh Abdullah, known as the Delhi Agreement. The Agreement allowed Jammu & Kashmir to retain her traditional political character.

The agreement was designed to reconcile regional aspirations as the State was a geographical amalgam of three mutually exclusive Regions with separate localism, history, background, interest, and political dynamism. The agreement not only provided for the State's autonomy, but also included a provision for regional autonomy. The Article 370 of the Indian Constitution provided a special political status to Jammu & Kashmir, which the other Federating Units of the Union do not enjoy. All the political parties, including the founder of the right wing Hindu party, Bharatiya Jana Sanga, Shyama Prasad Mukherjee had agreed to support the Nehru-Sheikh Abdullah Delhi Agreement, but he was opposed to the Article 370 of the Indian Constitution providing special autonomous status to Jammu & Kashmir (Puri, October 13, 2010:14).

There was a strong reaction in India against the appeal to the United Nation against Pakistan, even the Congress men had opposed this move of the Prime Minister and they felt that by lodging a complain against Pakistan at the UN Security Council, India had internationalized the Kashmir dispute making her own territory (after accession Jammu & Kashmir became a constituent part of the Union) vulnerable to international discussion and pressure. It was a diplomatic and strategical gain and / or success for Pakistan, and a diplomatic and strategical loss and / or failure for India. The Kashmir dispute, thus, became an international dispute.

### **The UN role in Kashmir Dispute**

On January 20, the UN Security Council set up a three-member UN Commission on India and Pakistan (UNCIP) and sent the commission members to Kashmir to assess the war situations, and to bring the war to an end, and also to suggest ways and means to resolve the conflict. On April 21, the number of the commission- member was increased to five from three.

On August 13, 1948, the UN Commission on India and Pakistan (UNCIP) passed a resolution calling for immediate cease-fire between the warring India and Pakistan. It also resolved that after the complete withdrawal of the Indian and Pakistani armies from Jammu & Kashmir a plebiscite could be held to ascertain the destiny of the State UN supervision. But it was also resolved that Pakistan should first withdraw troops, and India would follow suit. Though India and Pakistan agreed on the cease-fire but Pakistan refused to withdraw her troops from Jammu & Kashmir. Under the situation there was no point for India to withdraw her troops. The cease-fire went into effect on January 1, 1949. On January 24, 1949, the UNCIP sent a Monitoring Group for India and Pakistan (UNMGIP) to the region in order to monitor the alignment of the 840-km long Cease-Fire Line across Jammu & Kashmir. The Cease-Fire Line placed a little more than one-third territory of the State under Pakistan's occupation. The Northern Part of Kashmir, i. e. the Gilgit-Baltistan Region had earlier gone to Pakistan's control, and the remaining part, popularly called the Azad Jammu & Kashmir (AJK) came into being after the Cease-Fire Line was formally laid down. The Cease-Fire Line was later re-named as the Line of Control (LOC) following the Simla Agreement between India and Pakistan in July 1972 (Lamb, 1991).

In December 1949, the UN Security Council under General A. G. L. McNaughton sought for a negotiation on a demilitarization plan in consultation with India and Pakistan. Pakistan, however, agreed to simultaneous demilitarization which India rejected on the ground that the accession of Jammu & Kashmir with India was final and legally tenable because the Maharaja who signed the Instrument of Accession on October 26, 1947 was legally competent because the sovereignty of the State lay with Maharaja not with the people on account of the prevailing monarchical form of government in Jammu & Kashmir. Hence, there was no point to accept the demilitarization plan as envisaged in the UN Security Council Resolution, India argued. India's argument appeared to be justified from

legal point of view, and seemed consistent with the provision(s) of the Indian Independence Act 1947. Therefore, Pakistan's contention seemed illogical, and not based on solid legal foundation. The Standstill Agreement was a temporary arrangement for commercial and economic functions for the landlocked Indian States, and in no way it could be thought of and / or considered as point d' appui of the Instrument of Accession. Pakistan mistook the Standstill Agreement with the Instrument of Accession, which she felt that it was an inherent acceptance of accession with Pakistan.

Nevertheless, Pakistan's claim over Jammu & Kashmir had geographic and religious backing in the sense that State was intrinsically depended on the area, which now comprised of a significant part of Pakistan, for commercial and economic functions and any kinds of movement and mobility, i. e. there was close spatial link-up-and-interaction between the two, which India could not provide. As bulk of the population of the State belonged to the Muslim community, Pakistan had every right to claim Jammu & Kashmir. In fact, Pakistan had contended that since the communal formula was the basis of the partition of British India, why the same communal formula should not be made applicable in case of Jammu & Kashmir? But Pakistan's claims necessarily proved weakened before the law and the legality of the Indian Independence Act 1947 (Das Gupta, 1958).

In September 1950, the head of the United Nations Commission on India and Pakistan (UNCIP) Sir Owen Dixon had proposed to India and Pakistan for a plebiscite only in the Kashmir Valley which had predominantly Muslim population, but the proposal was rejected by both the Nations. The UNCIP, this time led by Dr. Frank Graham had attempted to convince both India and Pakistan, between December 1951 and February 1953 to accept the demilitarization plan which inter alia called for substantial reduction in the military presence in Pakistan occupied-Azad Kashmir and Indian Jammu & Kashmir preceding the holding of a plebiscite, but the plan was rejected by both India and Pakistan. A section of people of India and a part of the civil society of Pakistan had once held the view that: 'if Pakistan had adhered to withdraw her troops from the occupied part of Jammu & Kashmir as per the UN Security Council Resolution 1948, India would have then, completely withdrawn her troops under a strong international pressure, and the plebiscite would have been held there. 'However, there was another version, which was just opposite to the earlier one that 'in incase Pakistan vacated her occupation of Jammu & Kashmir following the UN Security Council Resolution, then India would have captured and / or occupied Azad

Kashmir, besides the Northern Areas, hitherto under Muslim tribal control with Pakistani support, and it would have been very difficult on the part of the International Community, and even the UN Security Council to force India to withdraw from the re-occupied areas, because the legal aspects with regard to the accession of Jammu & Kashmir were with India as per the Provision(s), contained in the Indian Independence Act 1947, in respect of the Instrument of Accession.'

The UN Security Council Resolution was not fair in its Resolution with regard to India because it paid no attention to India's contention, based on the legality of the accession as per the Indian Independence Act 1947, rather it 'questioned the legal validity of the Independence Act 1947, particularly with regard to the India States?'

The role of the UK-USA Combine, both, within and outside the Security Council had always been diplomatically ambiguous, but in moist cases to Pakistan's favour, causing considerable 'geopolitical impasse' between India and Pakistan. However, against the backdrop of continued stalemate and impasse, an opportunity came at the Commonwealth Conference in London in June 1953, where Indian Prime Minister Pundit Nehru and Pakistani Prime Minister Mohammad Ali Bogra met with each. On August 20, 1953, both India and Pakistan decided to take the issue of Kashmir out of the UN purview, and to settle the issue bi-laterally.

Pundit Nehru was quoted as saying at a press conference in London that 'a plebiscite could be held in Kashmir in the near future, provided a consensus was arrived at the Indian Parliament in this respect.' It was a surprise for Pakistani Prime Minister. The Prime Minister of Jammu & Kashmir (though Jammu & Kashmir acceded to India, but it retained its original administrative hierarchy with a President, called Sadre-Riyasat, Prime Minister, called Wazire-Ajam, besides the Maharaja) was apprised of the intention of Pundit Nehru. But, before the plan could be discussed at the National Assembly of Pakistan, there occurred a military coup, led by General Ayub Khan, who seized the political power. Thus, Pakistan went under the military rule for years to come (Verma, 1987: 585).

Pakistani military junta, however, took the country to the Anglo-American military fold, and made her a strategic partner to The Baghdad Pact in the Middle East or West Asia (that the later was re-named as the Central Treaty Organization) in 1954, and also to the South East Asian Treaty Organization in 1956. With Pakistan joining the Anglo-American military organizations, the geopolitical balance of power in the Sub-

continent changed at once with the result that Pundit Nehru reversed his decision to hold a plebiscite in Jammu & Kashmir. Following the February 1954 States' Constituent Assembly's declaration that Kashmir's accession to India was final, and the declaration was equivalent to a plebiscite, argued India, and, therefore, the issue of Kashmir's accession was finally settled. The UN Security Council was informed of it but it renounced India's action and declaration. Pakistan expressed her strong reaction to the whole process that India undertook to claim the genuineness of Kashmir's accession with India. Pakistan lodged a strong protest to the UN Security Council asking it to direct India to desist from such action (Akbar, 1991: 180).

The Security Council again reaffirmed its commitment to holding a plebiscite in Jammu & Kashmir in January 1957. In the month of February same year, the Security Council authorized its President Gunnar Jarring to mediate between India and Pakistan on the proposals of demilitarization and plebiscite. On being failed to convince both the countries to accept the proposals, he referred to the Council a proposal of arbitration though the proposal was accepted by Pakistan, but India rejected it. The UN Security Council again sent Frank Graham to mediate between India and Pakistan and to secure their acceptance on the proposals of demilitarization and plebiscite, but he failed in his mission. In March 1958, he recommended to the Security Council to arbitrate the dispute, but as usual India rejected the proposal of arbitration (Tayyeb, 1969).

It was the UK-USA combine at the Security Council that such proposals were muted which necessarily sought to strengthen Pakistan's claim over Jammu & Kashmir reversing the legal tenability of India's claim. However, since mid-50s of the last century, the former Soviet Union started helping India against the UK-USA combine at the UN Security Council by vetoing frequently any such proposals that targeted India. The Soviet interest to rescue India at the Security Council was more motivated by her own strategic need following Pakistan's membership to the US-led military organizations, particularly the Central Treaty Organization in the Middle East or West Asia, that brought the US military presence close to her Central Asiatic frontier, and for that matter it was a geopolitical necessity to see that Jammu & Kashmir should not fall in Pakistan's hands, rather India's presence there must be protected, if necessary through frequent vetoes at the Security Council to block Pakistan-favoured resolutions.

The Kashmir issue finally died down at the Security Council because of its failure to force Pakistan to vacate the occupied areas of Jammu &

Kashmir, and failure to convince India for arbitration, although the issue was again raised at the Security Council in 1963 and 1965 before the outbreak of the Second Kashmir war in September 1965 but of no avail. However, during the period 1949-1965 (before the outbreak of the war) the Cease-Fire Line (CFL) and the areas on either side of it remained, rather peaceful, with no violations of the Cease-Fire Line (CFL).

### **The Second Kashmir War**

In the midst of growing frustration in the rank and file of the Pakistani army, which had blocked a near resolution of the Kashmir conflict as early as in 1953, when a Civilian Government, headed by Mohammed Ali Beg was toppled by them through a military coup, while during the period India continued to expand her influence translating what may be called 'a strategic accession into a political integrations through elections to the State's Constituent Assembly.' The 1956 election to Jammu & Kashmir Constituent Assembly was a land-mark event in the post-accession annals of the State. A new Constituent Assembly was formally inaugurated, and the elected members to this assembly pledged to support the integration, and to work for further assimilation with the 'cultural whole', i. e. India. The Government of India also made it clear to the international community that the constitution of the new assembly should be treated as a legal expression of Kashmiri peoples' will (amounting to plebiscite) to stay within India as a constituent unit of the India State (Adhikari, 2008).

Thus, the 'truncated' (the part that lay east of the Cease-Fire line, which included the Vale of Kashmir, the Jammu Region and the Ladakh Region) Jammu & Kashmir was formally integrated into the Indian Union in 1956, and India vowed to liberate the Pakistan- occupied part on either side of the Cease-Fire Line, including the Azad Kashmir, and the Northern Territories of Gilgit and Baltistan. Pakistan protested, and complained to the UN Security Council which asked India to renounce the formation of the new assembly and to delete the word 'will' from the Parliamentary Proceedings. India did not respond to the UN Security Council's call. Pakistan became restless following these developments, and sought for another military solution to the Kashmir dispute that she had done earlier in 1947-1948.

Soon after the Rann of Kutch war in April 1965, Pakistan made a military plan code-named 'Operation Gibraltar', patterned on the earlier war paradigm: a) supporting a massive infiltration of Muslim guerrillas, mostly the Pakistani rangers into the Valley to seek the sympathy of the Kashmiri

people instigating them to rise against the State, and, then b) military invasion of a larger scale along the entire 840- km long Cease-Fire Line. However, the first part of the plan failed because the guerrillas were prevented from entering the Valley by the Indian forces, and this prompted Pakistan to launch attack on the Jammu Region on September 1, 1965. The Indian army opened several fronts in the Punjab sectors, besides moving into the Azad Kashmir. The Pakistani defense system collapsed along all the fronts, including the fronts along the Cease- Fire Line in Jammu & Kashmir.

On the call of the Security Council India declared a unilateral cease-fire on September 6, 1965, that Pakistan accepted. The UK-USA role in this 6-day war was not comfortable for India, because their attitude was pro-Pakistani. China openly threatened India with an ultimatum that if India did not end the war against Pakistan, and vacate the occupied territories, it would, then face the consequence (Sen Gupta, 1970: 200). The Soviet role was positive, and comfortable for India, rather the Soviet Union mediated between India and Pakistan, and succeeded in bringing them at a negotiating table. At the invitation of the Soviet Prime Minister Alexei Kosygin on January 1, 1966, the Prime Minister Lal Bahadur Shastri of India and President Ayub Khan of Pakistan met in the city of Tashkent (capital of the former Uzbekistan SSR) on January 10, 1966, and signed an agreement known as the Tashkent Declaration, and it was resolved that: 'all armed personnel of the two countries shall be withdrawn, not later than February 25, 1966, to the positions they held prior to August 5, 1965, and both sides shall observe the cease-fire terms on the Cease-Fire Line.'

The Tashkent Declaration was more an agreement to end hostilities and to secure cease-fire seeking for withdrawal of troops to the previous Cease-Fire Line, rather than a formal peace treaty with regard to Jammu & Kashmir. Though it called for a peaceful resolution to the Kashmir dispute, but there was no mechanism suggested in the treaty for the resolution of the dispute. Neither India nor Pakistan was a winner following the signing of the Tashkent Declaration.

With the Tashkent Declaration having been operationalized following the withdrawal of troops to their respective positions prior to August 5, 1965, the life though, returned to normalcy, the regionalized movement that hitherto remained silent started gaining in momentum in the Valley, Ladakh and in the Jammu Regions for the reasons of negligence to regional aspirations by the Central Government. Sheikh Abdullah had convened the State Peoples' Conference in 1968, which included the entire political

spectrum of the Kashmir Region except the ruling Congress, unanimously accepted a draft for an Internal Constitution of the State which provided regional autonomy and devolution of power at district, block and village levels, whatever be the final solution regarding the status of the State (Puri, October 3 2010: 14).

When Sheikh Abdullah returned to power in 1975, he reiterated his commitment to implement regional autonomy at a meeting of the representatives of Jammu and Ladakh. It was also incorporated in the revised manifesto of his party, National Conference, entitled, New Kashmir in which an autonomous Kashmir Region within the State was visualized that could maintain its unique culture and promote it better than what was possible under the existing political system. The case for more autonomy within India for the State would become much stronger if its logical extension, i. e. regional autonomy, was provided in the Constitution of the Data, which could be within the power of the State legislature. However, the draft prepared to respect the people's regional aspirations and to get them translated into a political legislation could not become a reality on account of fast changing geopolitical scenario within and outside of Jammu & Kashmir (Puri, October 13, 2010: 14).

### **The Bangladesh War and the Kashmir Dispute (December 1971)**

India and Pakistan fought another war in December 1971, popularly known as the Bangladesh War. This war was in no way was linked with the Kashmir dispute, but Kashmir was not left untouched by the escalation of this war. India helped East Pakistan to emerge as an independent sovereign Nation State based on its distinctive Bengali cultural and unique geographical personality that Pakistan had consistently ignored, and instead brutally suppressed Bengalese whenever they opposed torture and oppression perpetrated on them by the Pakistani army. Large numbers of Bengali nationals (more than 5 millions) took shelter in West Bengal State of India as refugees putting great economic and political strains on India. India actively intervened in East Pakistan politics providing all kinds of logistic helps, besides military training to the Bengali youths to fight the Pakistani army. Pakistan lost East Pakistan after a fortnight fighting with India, and a new independent State in the name of Bangladesh came into being there. Indian army during the Bangladesh war had opened fronts along the Cease-Fire Line in Jammu & Kashmir as a strategic tactics, and entered the Occupied Kashmir across the Cease-Fire Line. The war came to an end

in Bangladesh following the surrender of the entire Pakistani army to the Indian army on December, 1971, and on the western front (specially in Kashmir) the war came to an end following a unilateral declaration of cease-fire by India on December 17, 1971(Adhikari, 2003: 229-240).

On July 2, 1972, India and Pakistan signed Simla Agreement. It was resolved at the agreement that both 'India and Pakistan are committed to settling their differences through bi-lateral negotiations or by any other peaceful means mutually agreed upon between them.....the basic issues and causes which bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means.....in Jammu & Kashmir, the Cease-Fire Line, henceforth shall be known as the Line of Control and it shall be re-aligned on basis of the position on December 17, 1971. The Line of Control shall be respected by both sides without prejudice to the recognized position of either side.' It was believed that during the Simla negotiations Indian Prime Minister Indira Gandhi and the Pakistani President Zulfikar Ali Bhutto had almost unanimously agreed to convert the Cease-fire Line / Line of Control in Jammu & Kashmir into international boundary between the two countries as a possible resolution to the Kashmir dispute or conflict. Since the plan, was leaked there was strong public outcry in India, but in Pakistan the army took it very seriously, and the President was, rather threatened. The plan was finally abandoned. This was the second opportunity to resolve the Kashmir conflict, but it went into a failure. The Pakistani army was averse to any solution to the Kashmir conflict right from the beginning.

In 1974, Pakistan unilaterally split the Gilgit Agency and Baltistan from the Azad Kashmir, and merged them with Pakistani state-system, bringing them under the purview of Pakistani Constitution that recognizes them as 'Northern Territories'. The Azad Kashmir has been allowed to remain attached with Pakistan with some kind of loose political autonomy. It is not formally merged with Pakistan.

### **The Siachen Glacier Dispute**

The Siachen Glacier is the longest in the region lying diagonally on the threshold of the Line of Control on the Karakoram Mountain. The terminal point of the Line of Control was at NJ9842 till 1968, as per the official map of Kashmir, prepared the US Defense Ministry Mapping. But, since 1972, the US Defense Ministry Mapping started showing the Line of Control vis-

a-vis the Siachen Glacier in a different alignment extending the former up to the Karakoram Pass on the Chinese Border. The Siachen Glacier was vaguely defined on the Indian and Pakistani maps, and it was not clear under whose control did it fall? Since, India and Pakistan conflict on Kashmir has been more confined to the Line of Control, i. e. up to the point NJ 9842, and beyond that point towards north the conflict was not so expressive between the countries. The dispute over the Siachen Glacier began in the 70s of the last century when the US Defense Ministry Mapping started showing the 88-km stretch of the Siachen Glacier lying between the terminal point of the Karakoram Pass and that of the point NJ 9842 as an international boundary, and not simply as extension of the Line of Control (Wirsing, 1994:79-80).

Thus, the US Defense Ministry Mapping in 1973, 1974 and 1983, put the entire Siachen Glacier as part of Pakistan-controlled and occupied Gilgit-Baltistan Province. The cartographic invasion, perpetrated by the US Defense Ministry Mapping, showing the entire Siachen Glacier as Part of Pakistan (?), gave a new twist to the on-going rivalry between India and Pakistan in the region (Banerjee, 2002: 32). In a pre-emptive move the Indian army occupied the Saltoro Range that marked the western boundary of the Siachen Glacier, in April 1984, and succeeded in preventing Pakistan from physically moving into the area. India contested the maps prepared by the US Defense Ministry Mapping, and claimed that the Line of Control (erstwhile Cease-Fire Line 1949) placed the Siachen Glacier on the Indian side of the alignment from NJ 9842, 'thence north to the glaciers', and the extension of the Line of Control beyond the NJ 9842 was, therefore, designated as Actual Ground Position Line (AGPL) between the two armies of India and Pakistan. Between April 1984 and July 1986, Indian and Pakistani armies fought several localized wars in the world's highest altitude zone with heavy casualties on both sides. Geographically and strategically Pakistan is better placed than India with regard to accessibility to the Siachen Glacier. But, Pakistani soldiers could not dislodge Indian soldiers from the Saltoro Range, and the entire Siachen Glacier is under Indian control.

Between 1986 and 1992, both the countries, represented by their defense secretary held several round of talks to resolve the conflict, on at least two occasions in 1989 and 1992, during the fifth and the sixth rounds of talks an agreement on a packages of measures, including a cease-fire, demilitarization and redeployment of troops appeared to be in sight, but all of a sudden the talks broke down before a final agreement could be agreed upon (Wirsing, 1994:

195-196). In 1998, there was a defense secretary level talk between India and Pakistan on the Siachen Glacier, as a part of India-Pakistan comprehensive dialogue, but nothing substantial was achieved. Pakistan insisted on Indian withdrawal from the Salto Range that India rejected. Pakistan's control of the Siachen Glacier would make the entire 840-km long Line of Control highly vulnerable to military manipulation and strategic maneuvering to India's disadvantage. India rejected Pakistan's proposal for the Siachen Glacier as a mountain of peace (Adhikari, 2008: 39-40).

### **Instability in Kashmir Politics**

Regionally, Jammu & Kashmir became a victim of India-Pakistani rivalry, and globally international politics and pressure, while internally it suffered from political instability, in spite of accession with India and formal integration with the Indian Union in 1956. Jammu & Kashmir was allowed to retain her traditional administrative structure and hierarchy, and the Maharaja was the administrative pivot. There was discontent, particularly in the Valley, ever since the integration with the Indian Union following the constitution of a new Assembly that ratified the accession. Sheikh Abdullah of the National Conference, who had earlier endorsed the accession, and played a significant role in the ratification of the treaty of accession, was imprisoned following his public outcry for plebiscite. He together with Mirza Afzal Beg had to spend long years in the jail outside Jammu & Kashmir, and they were released in 1968, but the ban on their entry to the State continued until Sheikh Abdullah publicly dropped his plebiscite demand in June in 1972. He, then, clarified that: '....our dispute with the Government of India is not on accession, but on the quantum of autonomy.'

After a series of negotiations with the Government of India, a six-point agreement was signed by Sheikh Abdullah with the Government of India on February 12, 1975, which was called the 'Kashmir Accord'. He agreed to Kashmir's status as a constituent and integral part of Indian Union, while being allowed to enjoy special provisions for the State under Article 370 of the Indian Constitution. An interim government under him was installed on February 25, 1975, as a part of the 'Accord.' Within five months since he became the Chief Minister to head an interim government the election to the State Assembly was held in July 1975. His party the National Conference came to power with absolute majority. He governed the State until his death on September 21, 1982. His son Dr. Farooq Abdullah succeeded him, but he

proved inefficient. To cover up his inefficiency, he raised the issue of more autonomy, the kind of autonomy that had been promised to his father in the 1952 Delhi Agreement by the Government of India. By raising the issue of restoration of the pre-1952 status, he played in the hands of the pro-Plebiscite and pro-Pakistani forces, and by raising this issue he was able to take the Kashmiri people with him. He won the 1983 assembly election but he continued to demand for the restoration of the pre-1952 status for Jammu & Kashmir. Once again, the question of accession of Kashmir with India was raised, and a section of people with implicit support from the regional political parties, except the Congress Party started demanding the 'right to self-determination'.

The Government of India dismissed Dr. Farooq Abdullah's government in 1984, and the State was brought under the Central Rule for a brief period, and a puppet government under G.M. Shah (brother-in-law of Dr. Farooq Abdullah) was installed by the Government of India. During the period, the Western part of the country, particularly Punjab and Haryana were badly hit by the Sikh terrorism against the Indian State. The Hindus were specially targeted, and became victims of terrorism. Even in the adjoining Haryana the effect of the Sikh terrorism was felt in a greater way. At the same time Jammu and Kashmir was getting affected by the emerging the Hindu-Muslim communal tension. Thus, a contiguous belt of Northwestern India comprising of Haryana, Punjab and Jammu & Kashmir went under the grip of terrorism and communal violence.

The Government of India alarmed and threatened by the growing Sikh terrorism, carried out military operation code-named 'Operation Blue Star' in June 1984, to flush out the Sikh terrorists who were holed up in inside the Golden Temple of Amritsar. After fierce fighting with the Sikh terrorists, Indian army could clear the Golden Temple of the Sikh terrorists with heavy casualties on both sides. In the same year on October 30, the Indian Prime Minister Indira Gandhi was assassinated by her Sikh security personnel for having undertaken the military action against the Sikhs. Rajiv Gandhi succeeded Indira Gandhi as Indian Prime Minister, and in the 1984 Parliamentary Election Indian National Congress under him won a landslide victory. But, political situations in Jammu & Kashmir were not going well because of the growing Hindu-Muslim communal tension and violence in the Valley though Kashmir had no history of communal violence since its creation on March 16, 1846. There was complete Hindu-Muslim communal harmony which was deeply interwoven, and reflected in the typical

Kashmiri genre de vie. This 140-year old communal harmony was disturbed by because of the inept handling of the communal problems, particularly during the period of G. M. Shah. His government was dismissed by the Central Government in 1986, and the State was put under the Central Rule, but the assembly was not dissolved, rather kept in suspended animation.

In 1986, in a surprising volte face, perhaps, as a matter of political expediency and compulsion, Dr. Farooq Abdullah signed a deal with Prime Minister Rajiv Gandhi in June 1986, and a coalition government of National Conference and the Congress was formed in the State. This coalition, however, won a landslide victory in the March 1987 election, but the political conditions of the State started deteriorating with the rise of the Muslim fundamentalist forces in the State which demanded nothing short of plebiscite, and not restoration of the pre-1952 political status for the State that that Sheikh Abdullah, and Dr. Farooq Abdullah, (father and son) both, had demanded during their earlier regimes. Over the years, Dr. Farooq Abdullah's political position in the State weakened because he used to spend his time mostly in London putting the administrative responsibility over his colleagues. His ignorance of the problems of the State had fueled the Muslim uprisings in 1989. Apart from the failure at the political front, his government also failed at the economic front, also. There was no work for the people, and the Muslims of the Valley were the worst sufferers than the Hindus of the Jammu Region. Failures at all fronts pushed the State on the brink of a political crisis of Muslim insurgency of unspecified dimension. In the 1990 election, the performance of the National Conference, under Dr. Farooq Abdullah, was fairly bad, and that resulted in his gradual downfall though he formed the government with a thin majority.

### **Outbreak of Muslim Insurgency and Demand for Plebiscite in 1989**

Political conditions worsened in Jammu & Kashmir, particularly in the Valley, where the Muslim separatist groups, mostly with the Pakistan-leaning and loyalty such as Jammait-I-Islam, Jammu & Kashmir Liberation Front (JKLF, founded in 1965), and the Jammu & Kashmir People League, stepped up their activities, demanding for a plebiscite as per the statement of Lord Mountbatten on October 27, 1947, and the London statement of Pundit Nehru in 1953, and the UN Security Council Resolution of 1948. Pakistan supported the demand for plebiscite (Gangly, 1990-91: 63-64). India rejected their demands

saying that the ratification of the accession of Jammu & Kashmir with India had already been formalized by the elected members at the Constituent Assembly of Jammu & Kashmir in 1956, and that should be treated as a plebiscite or an expression of the will of the people of the State. India further contended that since, there was no mention of the word plebiscite in the 1972 Simla Agreement between the two countries, then it was presumed that Pakistan, in principle, accepted the accession with India, and more so, the Agreement resolved that the Kashmir dispute would be resolved bi-laterally without any third party intervention. India termed Pakistan's call for self-determination in Jammu & Kashmir ridiculous at this stage when the accession was formalized at the Constituent Assembly (Spaeth, 1993: 86).

Secessionism hardened in the Valley with the increasing incidents of communal violence leading to the flight of the Hindu Kashmiri Pandits from the Valley to the Jammu Region, and very soon the secessionist movement, spearheaded by the aforesaid Pro-Pakistani Muslim fundamental organizations, engulfed the entire Valley. Dr. Farooq Abdullah government failed to contain the spread of secessionism across the Valley vis-à-vis the flight of the Hindus. There was political uncertainty of unspecified dimension in the Valley and, the innocent Muslim people, who opposed the secessionist movement, and preferred to stay with India, were tortured by the Pakistan-backed separatist Muslims. The Dr. Farooq Abdullah government was again dismissed by the Central Government in August 1990, and the State put under the Central Rule. One month before the Abdullah government was dismissed, i. e. in July, the Government of India invoked the Jammu & Kashmir Disturbed Areas Act, and the Armed Forces Special Powers Act (AFSPA) to deal with the secessionist forces. Armed with the AFSPA, the security forces carried out indiscriminate repression in the Valley even the innocent Muslims were not spared. There were reports of human rights violation and abuses being perpetrated by the security forces over the innocent Kashmiri people (Kaul & Teng, 1992: 183). It was not the security forces which alone could be blamed for human rights violations, but the Muslim insurgents and militants were also to be blamed for human rights violations in the Valley (Wirsing, 1994: 130-131).

In the early 90s, when the Muslim insurgency in the Valley was taking a dangerous turn following the beginning of the Pakistan-backed cross-border terrorism, there was a non-Congress coalition government at the Centre with Deva Gauda as the Prime Minister. Veteran Communist leader Indrajit

Gupta was holding the portfolio of the Ministry of Home Affairs. The Government of India wanted a solution to the problem of growing political unrest on account of insurgency in the Valley, particularly. The Ministry of Home Affairs devised a proposal that included, inter alia, trifurcation of Jammu & Kashmir into: the Valley, Jammu Region, and the Ladakh Region, each with a Union Territory Status with internal regional autonomy. It was the line earlier suggested by Sheikh Abdullah at the People's conference in 1968. The purpose was to: a) to prevent the spread of Muslim insurgency and cross-border terrorism in non-Muslim Jammu and Ladakh; b) to weaken the potential strength of the pro-Plebiscite elements and the pro-Pakistani forces in the Valley, besides creating a cordial atmosphere, and c) to address the grievances of the Kashmiri Muslims. But the proposal could not be executed because of the strong protest from within the constituent partners of the coalition, besides opposition from the Congress and the Bhartiya Janta Party (BJP).

Repressive methods perpetrated by the security forces in the Valley in the name of containing the spread of secessionism alienated the common people and pushed them to the arms of the insurgents and the militants that gradually led to the increase in the intensity of separatist movement. But the most awesome development was the beginning of the Pakistan-backed cross-border terrorism not only in the Valley, but also in the Jammu Province. The Government of India worried over the growing alienation of the Kashmiri people decided to lift Central Rule and restored the State Government again under Dr. Farooq Abdullah, and he again won a landslide victory in the September 1996 election. The All Party Hurriyat Conference (APHC), an amalgam of 30-pro-Pakistani, and pro-Plebiscite militant organizations, formed earlier had denounced the election (Akbar, 1991).

The slain Pakistani Prime minister Benazir Bhutto twice tried in 1990, and in 1993 to resolve the Kashmir dispute through negotiation with India, but she failed under the pressure of the Pakistani army which had repeatedly scuttled her plans. Benazir Bhutto was removed and deposed to Saudi Arabia by the army. In February 1997, Nawaz Sharif became the Prime Minister of Pakistan. Despite India –Pakistan fierce rivalry over Kashmir, both the countries resumed foreign secretary-level talks in March 1997. In April 1997, there was an unscheduled meeting between the Indian Prime Minister and the Pakistani Foreign Minister at the Non-Aligned Meeting (NAM) in New Delhi, and in May 1997, the Prime Ministers of India and Pakistan again met at the summit of the South Asian Association of

Regional Cooperation (SAARC), held at Male, capital of the Maldives Republic. It was a bilateral meeting between the two, and it was resolved to form 08 joint working groups to address the Kashmir issue. In September 1997, both, the Prime Ministers again met at the UN General Assembly Session (Wirsing, 1998:117-118).

The leaders of the All Party Hurriyat Conference, who were arrested, were released before the election. These leaders, notable among them Imran Rahi of the Hiz-UI-Mujahideen, Bilal Lodhi of the Al-Barq, Babbar Badar of the Muslim Janbaz Force, Gulam Mohiuddin of the Muslim Mujahideen and, later Master Ahson Dar, founder of the Hiz-UI-Mujahideen was released. All these leaders agreed to initiate negotiations with the Government of India without any pre-conditions and without Pakistan's involvement. But, these leaders were expelled from the All Party Hurriyat Conference for their stand to initiate negotiation with India without any pre-conditions and Pakistan's presence. However, Shabir Ahmad Shah of the Peoples' League, Mohammad Yasin Malik of the JKLF, Syed Ali Shah Geelani of the Jamat-I-Islami, and Abdul Ghani Lone of the Peoples' Conference remained with the All Party Hurriyat Conference and opposed any meeting without Pakistan and the representatives of Kashmiri people. They were not ready to accept anything except plebiscite. Cross-border terrorism went on to increase in the Valley, and peace became illusive. Since, 1997 cross-border terrorism and insurgency intensified manifold in the Valley. Muslim militants and insurgents began indiscriminate killings of the Hindus, Sikhs, and even Muslims also.

In May 1998 India successfully detonated a series of nuclear explosion. Pakistan followed suit and tested a series of nuclear explosions. Following mutual nuclear detonations, the Kashmir dispute assumed a 'nuclear dimension' leading to a dangerous geopolitical situation in the sub-continent. Though the Prime Ministers of India and Pakistan again met at the tenth summit of the South Asian Association of Regional Cooperation (SAARC) in July 1998 at Colombo, Sri-Lanka, but the meeting was abruptly called off in the midst. No reason was given by either party. However, in contrast to their earlier meeting at Colombo in July with mutual exclusiveness, but the meeting that was held between them in September 1998 at the UN General Assembly Session witnessed a dramatic change in their perception as the meeting was held in a cordial atmosphere that led on to a new bilateral phenomenon in the region, particularly with the opening of the Bus service between New Delhi and Lahore, besides an invitation to

Indian Prime Minister Atal Behari Vajpayee by the Prime Minister Nawaz Sharif to visit Lahore which the former gladly accepted.

Prime Minister Vajpayee arrived in Lahore by the bus on March 28, 1999. He was received by the Prime Minister Nawaz Sharif, but the Pakistani army General Parvez Musharraf was conspicuous by his absence. At the end of their summit they issued a Joint Declaration on March 29, known as the Lahore Declaration that was sustained by a Memorandum of Understanding (MOU). It was necessarily concerned with the bilateral issues like trade and commerce, transport and communication. The MOU also spoke for a moratorium on further nuclear tests, but the core issue, i. e. Kashmir was absent in the Declaration. The MOU was not taken well by the Pakistani army, instead they were planning with the idea of a third war with India on Kashmir applying the same old war paradigm sending the infiltrators first in large numbers across the Line of Control to be backed by the Pakistani army from behind. Prime Minister Nawaz Sharif had no idea of a military maneuvering being planned by the Pakistani army against India in Kashmir. He was kept in complete darkness.

#### The Third Kashmir War (the Kargil War)

Pakistan made another attempt to resolve the Kashmir dispute through a military solution that she had attempted in 1948 and 1965 applying the same military maneuvering that she applied earlier. The Pakistani army under General Parvez Musharraf helped the entry of some 1500 strong militants of Afghan origin across the Line of Control into the Kargil-Drass sector of Indian Kashmir in the winter months, probably much before the visit of the Indian Prime Minister to Lahore (The Times of India, May 27, 1999). These militants were backed by the regular Pakistani army from behind (a recent disclosure by the Pakistani authority said that half of those killed in the Kargil war were regular Pakistani troops). These 1500 strong Afghan militants and the Pakistan troops- combine clandestinely occupied more than 30 well fortified military bunkers at a height of more than 16000 to 18000 feet above the sea level, which were usually left by the Indian army during the winter season. It was a fierce battle that the Indian army fought against the militants and the Pakistani soldiers on her own soil, in which the help of the air force was taken (The Hindustan Times, May 30, 1999).

The Kargil war as it is called was the second such military operation that the Indian army had carried forward on her own soil. The first was the Operation Blue Star in June 1984 against the Sikh terrorists being holed up in the Golden Temple of Amritsar, but air force was not used in this

operation. The Kargil operation was the biggest such inland military operation that the Indian army had ever undertaken being backed by the air force. The operation, code-named the Operation Vijay began on May 26, 1999, and continued until July 11, 1999. The war confined to the Indian Territory. The Indian army made no attempt to spread the war across the Line of Control on the occupied Kashmir, probably because of the apprehension of nuclear war that the Indian strategists had thought of, given consistent failure of the militant-Pakistani army-combine to achieve the desired goal of dislodging India from Kashmir. It was presumed by the strategists that any attempt to cross the Line of Control by the Indian army, would have forced Pakistan to go for nuclear attack against India.

The Kargil War ended with Pakistan failing to secure her objective and under the US pressure, besides the pressure of the G-8 countries that were assembled at Cologne, Germany, Pakistan decided to accept the cease-fire, declared by India on July 11, 1999. India had set July 16, 1999 as the deadline before Pakistan for the total withdrawal, and Pakistan complied with it. Pakistan was told by the USA, and the G-8 countries to respect the Line of Control and follow the spirit of the 1972 Simla Agreement to resolve the Kashmir dispute. It is interesting to note that China, which had all through supported Pakistan on Kashmir since October 26, 1947, kept herself non-committal on the Kargil issue. It was a biggest diplomatic failure for Pakistan. Pakistan became isolated internationally (Ganguly, 2001:120).

Pakistan suffered a military coup on October 16, 1999, and the Prime Minister Nawaz Sharif was removed and subsequently exiled to Saudi Arabia in December 1999. General Pervez Musharraf declared himself the Chief Executive, the Chief of Army and later as the President of Pakistan. At the Commonwealth Conference Pakistan was expelled. On December 24, 1999, a Delhi-bound Indian Airliner was hijacked by the Pakistani terrorists. The terrorists insisted for the release of the three hardcore Lashkar-E-Toiba terrorists, lodged in Indian jail, as a precondition to the release of the hijacked-plane with 178 passengers. India agreed, and exchanged the passengers with the three hardcore terrorists on December 31, 1999. General Musharraf, then, came in open support to the terrorists, playing havoc with the lives of the innocent Kashmiri Muslims and commented that: 'Islam does not recognize political boundaries, and Jihad is a concept of the Almighty....what the terrorists are doing is spreading the message of God in Kashmir....the terrorists are freedom fighters.....fighting for the liberation of Jammu & Kashmir from Indian control' (India Today International, March 13, 2000).

In July, 2000 Syed Salahuddin of Kashmir-based Hiz-Ul-Mujahideen declared a unilateral cease-fire from Pakistan and called on India to initiate negotiations with Pakistan and the representatives of the Kashmiri Muslim. Azad Kashmir-based, and Pakistan –backed militant organizations the Harkat-Ul-Ansar and Lashkar-E-Toiba, Hizbul-Mujahideen, Jash-E-Mohammad, and Al-Umar-Mujahideen had opposed his call. Syed Salahuddin withdrew his call as Pakistan had also opposed it. India made it clear that no talk with Pakistan was possible until she desisted herself to supporting cross-border terrorism. The persistent cross-border terrorism and insurgency intensified to the extent that another India-Pakistan war could not be ruled out on Jammu & Kashmir and that again increased the risk of a nuclear war in the South Asia. India, however, declared a unilateral cease-fire along the Line of Control on the eve of the Islamic festival Ramadan in November 2000, and invited the APHC leaders on a talk, but the APHC leaders insisted on the Pakistan’s inclusion in the talk. The Government of India agreed to invite Pakistan provided she stopped sustaining cross – border terrorism (India Today International, August 7, 2000: 18 & September 18, 2000: 24). Pakistan welcomed India’s gesture of cease-fire along the Line of Control but refused to stop supporting cross-border terrorism in Kashmir. Still an attempt was made by the Government of India to begin negotiations afresh, despite Pakistan’s consistent involvement in sustaining cross-border terrorism in Kashmir, and glorifying terrorism and equating it with freedom struggle.

#### **Agra Summit and Terrorist Attacks**

The Government of India on May 25, 2001, announced the end of the six-month old cease-fire, but invited General Musharraf for talks without any pre-conditions, which the President accepted. The summit was arranged in the historic city of Agra during July 14-16 / 2001. But the summit ended with failure because of inflexible attitudes and approaches of both the countries. General Musharraf insisted the talks to be confined to Kashmir only, which India rejected on the ground that Pakistan should first declare that she would stop supporting cross-border terrorism that General Musharraf rejected. Soon after the failure of the Agra summit, the Lashkar-E-Toiba terrorists made a suicide bomb attack on the State Assembly building on October 1, 2001, killing some 40 innocent civilians. On account of this attack, the Government of India suspended talks with Pakistan which

was agreed upon at the last UN General Assembly session. Firing intensified along the Line of Control. Pakistan intensified proxy war through the cross-border terrorism after having failed to achieve the objective of the Kargil infiltration.

On December 31, 2001, the Lashkar-E-Toiba and Jash-E-Mohammad-combine, Pakistan-based terrorist outfits attacked the Indian Parliament, and a war-like situation again erupted between the two countries. Both the countries mobilized their troops to the borders, and India decided on a limited Israeli-type attack on the terrorists' camp active in the occupied Kashmir. The Government of India called for a 'decisive battle', Pakistan responded it equally. There was a complete military stand-off between India and Pakistan along the entire boundary, including the Line of Control for almost 10-month. The two countries were almost on the brink of another war, and the threat of the use of nuclear weapons by Pakistan, in case she lost the conventional war, loomed large over the South Asia. The military stand-off in the Sub-continent worried the USA, and the UK. These two countries started their diplomatic maneuverings to diffuse the tensions in the region. They visited both the countries in May 2002, and June 2002. General Musharraf was pressurized to stop supporting cross-border terrorism. They succeeded in their efforts. Though General Musharraf pledged to stop abetting cross-border terrorism, but in reality, Pakistan continued her support to terrorism in Kashmir (India Today International, June 3 & June 10, 2002: 15 & 25). Nevertheless, a positive development was set in following the visit of the US and UK diplomats to India and Pakistan, both.

### **Restoration of Democratic Process and set-up in Jammu & Kashmir**

There was Central Rule in Jammu & Kashmir that continued for long. It was imposed following the increase in terrorist activities, and failure of the State government to contain violence that not only engulfed the Valley, but also spread to the Jammu Region. The Government of India decided to restore democratic set-up so that a popular government could be formed in the State, which could ensure confidence in the people. Assembly election was held in September / October 2002, but the turn out was so low to be called a genuine election. A coalition government of the Congress and People's Democratic Party (PDP) was formed. The PDP was a new party and soon this party secured peoples' mandate, which was reflected in the election results. The party had the support of the militants. The coalition

government was led by Mufti Mohammad Sayeed, who adopted a conciliatory policy by releasing all the terrorists who were in jails for their terrorist acts with the objective that these terrorists once freed, would return to the mainstream of the society. The ruling partner had opposed it, but later accepted it under political compulsion. Nothing substantive change took place in the terrorist activities in the State. It went on as usual. On March 23, 2003, the terrorists killed some 24 Hindus in Nadimarg. The State government appeared helpless. There was no rule of law in the State. There was no end in Pakistan's involvement in supporting cross-border terrorism in Jammu & Kashmir. There was rampant corruption in the State, and the State faced economic crisis of unspecified dimension. Social inequalities and cleavages hardened, and whatever linkages were left out were transformed into hardened cleavages. The Sayeed government had lost his *raison d'etre* in the eyes of the citizenry, but the Central Government did not dismiss the State government though the political situation demanded that.

India continued diplomatic effort to build up confidence in the region notwithstanding Pakistan's contradictory attitude. On October 22, 2003, the Government of India announced a major peace initiative that included bus service between Srinagar and Muzaffarabad (occupied Kashmir). Many more concessions were offered to Pakistan. Pakistan in return announced cease-fire along the Line of Control on the eve of the festival of Ramadan. India welcomed Pakistan's cease-fire declaration on November 24, 2003, and on the following day the entire Line of Control became silent. To a major surprise President Musharraf, on December 18, 2003, declared that Pakistan was ready to abandon her more than half-a century old demand for plebiscite that she had been demanding to resolve the Kashmir dispute since 1948. This was a 'U-turn' for President Musharraf of Pakistan who had earlier, on several occasions, vowed to resolve the Kashmir dispute only through a plebiscite, and nothing short of that.

During the summit of the South Asian Association of Regional Cooperation (January 4-6 /2004) at Islamabad, India and Pakistan agreed on January 6, to initiate Composite Dialogue to improve bilateral ties. This was spelt out at a joint press conference by the Foreign Ministers of India and Pakistan. It was agreed to begin talks at the beginning of February. Accordingly, foreign secretary- level talks were held in Islamabad during February 16-17 / 2004 and a road map of the peace process was discussed.

The question that arises what compelled President Musharraf to drop the

plebiscite demand that Pakistan had been insisting since 1948? The answer probably lies in the fact that President Musharraf realized that it was not possible to secure a military solution to the Kashmir dispute as it was evident in last Kargil war. Similarly, he also understood it that the UN Security Council could not force India for plebiscite in Jammu & Kashmir, and peace could not be negotiated by terrorism. Moreover, he was very much aware of India's military capability, either conventional or non-conventional. There was no other option before him but to opt for dropping the decades-old plebiscite demand. A section of the All Party Hurriyat Conference led by Syed Shah Geelani expressed strong resentment over President General Musharraf's plan, while the moderate leaders of the Hurriyat Conference welcomed the plan. In the meantime the moderate Hurriyat leaders called on the Indian Prime Minister on January 22, 2004, and agreed to shun violence. The Government of India also wanted a reasonable solution to the dispute.

Both the countries now look tired over the Kashmir impasse, in fact, they have reached a real impasse—a hurting stalemate—and none of them can impose a unilateral solution on Kashmir, while the danger of a nuclear war, looming large over the South Asia, is a matter of deep concern for the well-being and security of the Sub-continent. The Islamabad Joint Statement (2004) at the SAARC summit, and the Sharm-El-Sheik (Egypt / 2009) Joint Declarations, together with number of meetings at different secretary levels within the purview of the Confidence-Building –Measures (CBM) are pointers to a hurting stalemate between the two countries. There is no denying to the fact that India and Pakistan now realize that there is a mutual hurting stalemate in Kashmir, and they are keen to seeking a way out to resolve the dispute / conflict at the earliest. To Cohen (2002: 34): 'this is a dispute that Pakistan cannot win and India cannot lose a hurting stalemate. Without some fundamental policy changes in India or Pakistan the stalemate is likely to continue.' However, the US Task Force Report : 'New Priorities in South Asia—US Policy towards India, Pakistan and Afghanistan (2003) clearly stated that 'the Kashmir dispute is not ripe for final resolution, neither India nor Pakistan is currently willing to consider the Kashmir end game---except on its own terms.'

### **Conflict Resolution**

Conflict resolution broadly refers to an effort to prevent or mitigate violence resulting from inter-group or inter-state conflict, as well as efforts

to reduce the underlying disagreements. Conflict avoidance is not conflict resolution, rather it means terminating conflict by methods that are analytical and get the root of the problem. Conflict resolution, therefore involves resolving a conflict to the satisfaction of all parties (Burton, 1991: 21). Since, the partition of British India between India and Pakistan on August 15, 1947, the two countries are locked in deadly conflict over Jammu & Kashmir, which now stands 'divided' between India and Pakis, and even by China also, but the real conflict is between India and Pakistan over the legality of accession with India. Kashmir is on high bi-lateral agenda, and both now want a reasonable, meaningful, logical and all-accepting formula to resolve the 63-year old dispute / conflict.

The UN Security Council Resolution 1948 was the first such attempt to resolve the conflict through a plebiscite on the pre-condition that Pakistan had to withdraw from the occupied areas of Jammu & Kashmir first, which would be subsequently followed by India's withdrawal, and then, only the plebiscite could be arranged under the UN supervision. This never happened because Pakistan was reluctant to withdraw. However, in 1953, the Indian Prime Minister who met his Pakistani counter-part in London at the Commonwealth Conference, made it clear that a plebiscite could be held in Jammu & Kashmir, but it could not be held on account of a military coup in Pakistan.

The Tashkent Declaration of 1966 was silent on conflict resolution, rather it set the modalities for the troops' withdrawal of both the countries. It did not provide any specific mechanism for the conflict resolution of the dispute. At the negotiation stage at Simla in July 1972, the Indian Prime Minister and her Pakistani counter-part had almost agreed on a formula (accepting the Line of Control as an international boundary between India and Pakistan in Jammu & Kashmir) to resolve the dispute / conflict for ever, but it could not be done because of opposition in their respective countries. However, the Simla Agreement was a comprehensive agreement between India and Pakistan because it contained specific mechanisms and directions for further negotiations to end the conflict, but nothing tangible was achieved. Nonetheless, the Simla Agreement (1972) is usually conceived as the only possible basis for India –Pakistan bi-lateral talks on Kashmir. Even the USA and the G-8 countries have asked Pakistan during the Kargil war in 1999 to end the war, and resolve it within the covenant of the Simla Agreement.

The Lahore Declaration (1999), however, had no reference on Kashmir,

rather it was more concerned with general aspects of bi-lateral relations between the two.

Bose (1999) once had suggested a proposal, called, '3 Dimension of Peace in Kashmir' as a possible panacea to the Kashmir dispute. The proposal called for: i) institutionalization of intra-Kashmir dialogue between the representatives of Indian Jammu & Kashmir, and the Azad Kashmir; ii) drawing up of new structures and arrangement that would give way to the existing political, administrative, and constitutional structures, besides softening of boundaries across reconstituted zones of Kashmir to encourage mutual cooperation between the 'Two' Kashmirs in areas of transport, tourism, trade and commerce, environment, agriculture, cultural cooperation, and water management; and iii) formation of New Delhi-Srinagar, and Srinagar-Muzaffarabad axes which would help in gradual normalization of politics in both the Kashmirs: Indian-occupied and Pakistan-occupied. It called for the creation of the India-Pakistan Kashmir Council (IPKC), India-Pakistan Inter-Governmental Conference (IPIGC) on the regional basis, and Srinagar-Muzaffarabad Ministerial Council for Cooperation (SMMCC), besides the formation of a cross-border Jammu & Kashmir Council for Cooperation (JKCC). Since, it was a proposal from a member of the Indian Civil Society, as usual it had no taker in either country.

The Agra talks (2001) were a failure. President Musharraf was desperate to end the conflict. As mentioned earlier that he was ready to abandon and / or give up the plebiscite demand provided India reciprocated in a more flexible manner and dropped some of her 'hardened' conditions. However, President Musharraf did not specify what he meant for 'flexible manner and, hardened conditions' that he expected from India. His proposal was full of ambiguities, and suffered from inherent inner contradictions, therefore, India could not rely upon the proposal.

President Musharraf came out with another proposal (four-point formula) to resolve the conflict, which included: a) resumption of talks on Kashmir without any pre-conditions; b) acceptance of the centrality of resolving the Kashmir issue for improving bi-lateral relations; c) elimination of all such issues which were unacceptable to both India and Pakistan and even to the Kashmirs; and lastly d) a solution which would be a win-win for India, Pakistan and Kashmiris. India rejected this proposal. India had always opposed of the word 'Kashmiris' in any reference on Kashmir, because the Kashmiris were considered to be Indian citizens, therefore no discussion on

them with Pakistan or any other countries could be allowed.

Towards the end of 2004, the President Musharrf offered the Condominium Proposal that aimed at dividing Jammu & Kashmir into seven ethnic regions, based on the territorial pattern of ethnicity without religiosity. Under the proposal, each ethnic region so created would be converted into a condominium with uniform administrative structure, and a measure of autonomy. The proposal had implied that Indian authorities would have access to Pakistan-occupied Kashmir, and the Pakistani authorities would have access to Kargil area of Indian Jammu & Kashmir. India was apprehensive that if the condominium proposal was accepted, it could have led to the re-drawing of boundaries of each condominium that India was not ready to accept.

In 2005, President Musharraf yet offered another proposal to end the conflict. This proposal suggested for the creation of five ethnic regions instead of seven ethnic regions suggested in earlier proposal. The proposal, however, contained a 4-point formula: a) Kashmir would retain its current borders, but people would have freedom to move freely across Jammu & Kashmir; b) regions would have self-governance or autonomy but not independence; c) troops would be withdrawn in a staggered manner; and finally d) joint supervision mechanism with India, Pakistan and the Kashmiris represented in it. India had tactical support to the proposal, but confusion persisted on the nature of joint supervision, and India again opposed the presence of Kashmiri representative in the joint supervision mechanism. The proposal was confusing in Pakistan-occupied Northern Territories and Azad Kashmir because these areas lacked in democratic polity as required in the proposal, and the President Musharraf himself appear confused with regard to the applicability of the proposal in the occupied areas. This proposal, like the earlier proposals, also stood abandoned.

Although, there was no apparent consensus and / or unanimity between the two on any resolutions on the Kashmir dispute / conflict, but both India and Pakistan had involved themselves in what is called 'Back Channel Diplomacy,' (also called Track II) to arrive at an all-acceptable resolution to the conflict. If the March 3, 2009 statement of the former Pakistani Foreign Minister Mr. Khurshid Kasuri is to be believed then it can be said that India and Pakistan had virtually reached an agreement in 2007 to resolve the issue of Kashmir for ever (The Times of India, March 3, 2009). It is now acknowledged that proposals put forward by President Parvez Musharraf

and the Prime Minister Mammohan Singh were discussed in utter secrecy during the course of around a dozen meetings in various parts of the world between India's special envoy Satinder Lambah, a diplomat who served for years in Pakistan and Musharraf's trusted confidante, Tariq Aziz. With details of the Lambah-Aziz 'back channel' dialogue known to less than a handful of persons of both the countries, the two negotiators succeeded in putting together a framework that was all but formally agreed upon by India and Pakistan. The USA was kept informed of this diplomatic maneuvering and / or effort. President Musharraf's 2004 condominium proposal with very little change was the basis for the back channel dialogue.

It was agreed at the secret talks that all the seven condominium (ethnic) regions would pass through the process of 'demilitarization', and each of which would be re-constituted under 'self-governance'. The secret discussion also focused on 'joint management' of the condominium regions, and there was unanimity between India and Pakistan over these issues. The Pakistani foreign Minister also said that Indian Prime Minister Manmohan Singh, however, responded to the proposal (which was earlier not taken seriously) by stressing that while borders could not be re-drawn, and added that 'we' could move towards making them 'irrelevant', besides people on both sides of the Line of Control could move freely and trade with each other (Parthosarathy, March 7, 2010: 14).

While the exact contours of the framework then discussed in utter secrecy were not known publicly, but it was confirmed that there was agreement on harmonizing the nature and extent of self-governance and devolution of power on both sides of the Line of Control. With regard to the proposal of demilitarization, India indicated its readiness to reduce and redeploy forces in Jammu & Kashmir on a reciprocal basis, once she was convinced that there was an irrevocable end to infiltration across the Line of Control.

Addressing a press conference Khurshid Kasuri said that he had never spoken of this track-II success earlier, other than saying that he knew of a possible way to resolve the Kashmir dispute that was acceptable to both India and Pakistan. He added further that negotiators from Pakistan, and India had quite toiled away for three years, talking to each other and Kashmiri representatives from Indian side as well as Kashmiris settled overseas to reach what may be described as the 'only solution to the Kashmir dispute.' Both sides were believed to have agreed to full demilitarization of Indian Jammu & Kashmir as well as Pakistan-occupied Northern Areas and Azad Kashmir. In

addition, a package of loose autonomy that stopped short of the 'azadi', i. e. independence and self-governance aspirations were considered and agreed upon, which was to be introduced on both sides of the disputed frontier. This part of agreement was 'a point between complete independence and autonomy' (Roy, April 10, 2010: 14).

Both the countries felt that such a deal would be acceptable to the Kashmiris on either side of the Line of Control. There was no other better deal than this deal on Kashmir dispute secretly acknowledged by Indian and Pakistani diplomats. But, the deal was not acceptable to the separatist Hurriyat leader Sayeed Ali Shah Geelani who wanted nothing short of 'merger of Jammu & Kashmir' with Pakistan, which Pakistan had earlier wanted, but later considered that it was not practical in prevailing geopolitical situation in the region. President Musharraf and Foreign Minister Khurshid Kasuri had tried to convince Sayeed Ali Shah Geelani to accept but he stuck to his demand (ibid).

The Historic Kashmir Pact was a signature away, but the declining fortune of President Musharraf in the wake of demonstration against him in 2007, that he could not master the military backing, besides failing to secure domestic support for what was agreed upon. Equally, it is pity that the Manmohan Singh Government in India (United Progressive Alliance or UPA- I) could not take the Parliament and the opposition into confidence, either publicly or confidentially about what transpired, both, India and Pakistan to arrive and / or agree on such a sensitive deal.

If the proposed Kashmir Accord was signed by India and Pakistan, it could have, then, opened up a completely new vista in the sub-continent for ensuring durable peace and stability transforming the hardened India – Pakistan rivalry over Kashmir into a linkage between the two. Although, the accord could not become a reality and / or operationalized, but its impact was felt, particularly in Indian Jammu & Kashmir, where in the last three years since the failure of the Kashmir Accord in 2007, the frequency of the Pakistan-supported cross-border terrorism has declined, of course, gradually.

Earlier, the frequency of the Pakistan-supported cross-border terrorism was so high that the whole State had to remain in complete disarray with sporadic fighting between the terrorists and the Indian security forces not only in the remote forested and mountainous areas but also in the urban areas, including the capital Srinagar. But, now political situation in Jammu & Kashmir, particularly of the Valley (comprising of the 14 districts) is

awfully disturbed from within with the people irrespective of their age and sex are on the roads against the atrocities and consistent human rights violations by the security forces, besides the failure of the State government to address their (people) genuine grievances.

### **Present Impasse in Jammu & Kashmir**

The Congress-People's Democratic Party coalition (PDP) could do nothing to address the genuine political, economic, and social grievances of the people of the State, because of the lack of consensual approach between the coalition partners with regard to the governance. The PDP insisted on the self-rule which the Congress contested and opposed, but for political compulsion they agreed to continue the coalition till the expiry of the term of the assembly. There is no doubt to the fact that the PDP's close proximity to 'released' terrorists and 'soft approach' to them intrinsically bred terrorism afresh in Jammu & Kashmir.

In the next assembly election, held in 2008, none of the parties secured absolute majority (percentage of votes polled was too low to be called an all expressive and well-participated election). In this election the performance of the National Conference was relatively better than the People's Democratic Party (PDP), but the National Conference alone could not form the government because it lacked the requisite numbers to form the government. Therefore, under compulsion a coalition government of the National Conference and the Congress was formed in the State with Omar Abdullah (the third generation Abdullah, being the son of Dr. Farooq Abdullah) as the Chief Minister. He was inefficient, impractical and thoroughly ignorant of the geopolitical realities of Jammu & Kashmir. His inept handling of the administration put the State in complete political uncertainty with no law and order.

Terrorism from within, having been bred during the Congress-PDP rule, ultimately gives way to the popular movement and agitation against the State government and the Central India Government in all the 14 districts of the Valley with the aged, young, women, and even children coming on the roads to sustain the movement. As a result, the intensity of the popular movement increased, and so increased the human rights violations by the security forces. For months together this year large part of the Valley has remained under the curfew with all activities coming to a halt. Institutions, offices, even hospitals remained closed. Such was the reaction of the movement. Even the Jammu Region was not spared.

In face of the movement, on August 5, 2010, the hardliner Hurriyat leader Syeed Ali Shah Geelani called for complete withdrawal of Indian forces and holding of a plebiscite to resolve the conflict. He said: 'If India agrees, then we will get Pakistan to withdraw its security forces from Azad Kashmir, Gilgit and Baltistan. The referendum should be for every citizen of United Jammu & Kashmir, and the referendum should be in line with the 1948 UN Security Resolution calling for the people to choose between India and Pakistan' (Jerath & Pandit, August 5, 2010: 6). Earlier, this hardliner Hurriyat leader was in favour of merging Jammu & Kashmir with Pakistan, but this time he favoured an Independent State of Jammu & Kashmir, whose independence and neutrality to be guaranteed by Pakistan, India, Russia, China, and even Afghanistan, so that it could not become a colony of the USA. Addressing the press conference, Syeed Ali Shah Geelani also said: '.....Until all four countries, and Afghanistan, give guarantees our borders, until we can arrange for our defence, independence cannot be a realistic one' (ibid).

Syeed Ali Shah Geelani's statement provided more inputs to the on-going movement and agitation in the State leading to complete collapse of the system. The demand for complete withdrawal of the Jammu & Kashmir Disturbed Areas Act and the repeal of the Armed forces Special Powers Act (AFSPA), was rejected the Central Indian Government, while the State government urged the Delhi Government to consider it. It was in the context of the growing political instability across the State, followed by increasing terrorism and stone-pelting by the disgruntled Kashmiri targeting the security forces, and firing by the security forces in return leading to deaths of the agitators, the Chief Minister Omar Abdullah raised the question on the nature of accession of Jammu & Kashmir with India in the assembly, said: '.....it was an accession based on an agreement and not a merger...there is still a scope for further discussion over the issue...(The Times of India, October 5, 2010,& Hindustan Times, October 5 & 6, 2010). This statement by Omar Abdullah opened up a new controversy with regard to the accession of Jammu & Kashmir with India that further accelerated the intensity of the movement and agitation across the State, besides, giving new lease of life to Geelani's call for plebiscite, and independence.

The Hurriyat Chairman moderate leader Mirwaiz Umar Farooq has recently said that: 'Time has come for India, Pakistan and representatives of Jammu & Kashmir to thrash out a negotiated settlement to Kashmir issue.....and a solution to Kashmir issue within the present framework was

not possible and the right to self-determination for the people of Jammu & Kashmir was non-negotiable' (The Times of India, December 17, 2010).

Over more than 62 years, since accession of the State with India and the alignment of the Cease-Fire Line (now called the Line of Control) on January 1, 1949, and its subsequent integration into the Indian Union, Jammu & Kashmir still remains to be a ramshackle federating unit with no sign of end in its turbulent geopolitics and political geography causing instability in the local and regional polity. Hardly, a year has passed off peacefully in the State since the accession and integration. An urgent resolution to the Kashmir dispute / conflict is a geographical necessity, given the type of the emerging spatial pattern of terrorized geopolitics in the South Asia. The continuity of the type of political impasse in the State has put the Government of India in a piquant situation and that necessitated the Centre to appoint the interlocutors.

The Government of India has appointed three interlocutors to talk to the people of the various sections of the Valley so as to find out a way to address the current political impasse in the State. The interlocutors are of the opinion that majority of the various organizations in Jammu & Kashmir has favoured a peaceful political solution to the present problems. The organizations of various social groups of the State, with whom the Centre's interlocutors have interacted, made it clear that the solution to the problem should be acceptable to the people, and all the three regions of the State. Moreover, these organizations have urged them that they must show respect for different faiths and cultures before arriving at any solution to the problem. The interlocutors would like to recommend in their report to the Centre for 'effective devolution of political, economic and administrative powers at the district, block, and village levels, which are to be equally shared by the three regions: the Valley, the Jammu Region and the Ladakh Region. The delegations represented political parties, ethnic and religious communities, separatist groups, and legal, business and educational interests (The Times of India, December 22, 2010: 6).

### **Cconclusion**

There is no denying to the fact that both India and Pakistan are now desperately looking for an immediate end to the Kashmir dispute. India is, also awfully pre-occupied with the problem of militancy, insurgency, terrorism, and agitation in the Valley for the past 21 years, i. e. since 1989,

while Pakistan's economy has almost collapsed on account of involvement of more than 3 /4th. of her GDP on the maintenance of huge troops on the Kashmir border, besides involvement in sustaining and providing funds to the terrorist and militant outfits to carry on terrorist and subversive acts inside Jammu & Kashmir, and other parts of India.

For a permanent and meaningful, and an all-acceptable (re)solution to the six decades-old Kashmir conflict between India and Pakistan, including the present impasse in Jammu & Kashmir State of the Indian Union, a two-way approach is suggested. One is to address the present impasse in Jammu & Kashmir, and to bring to an all-acceptable end to the impasses, and the other is to suggest for a permanent solution to the Kashmir dispute between India and Pakistan

The most disturbed part is the Kashmir Valley of the Indian Jammu & Kashmir, where there is no rule of law for more than six months, and the agitation and / or the movement has gone beyond the control of the State administration, because of the involvement of the people of all ages, besides it has acquired a gender dimension with more and more women of all ages participating in the agitation, leading and / or resulting into widespread 'human rights violations', being perpetrated by the security forces. To address the present impasse in the Valley (which is more than two- decade old), the granting of self-rule to the Valley appears to be a reasonable solution and the majority would accept it. Similarly, Jammu and Ladakh Regions could be made Union Territories within Indian Union with considerable regional autonomy. Of course, the Constitution has to be amended to bring about these changes. This part of the approach is based on the model, once prepared by the Ministry of the Home Affairs, Government of India in the 90s of the last century. However, the only fundamental difference between this approach and the model of the 90s is that the present approach favours self-rule in the Valley only but within the constitutional framework.

A plebiscite, under the supervision of the UN Security Council's permanent Members, can be held simultaneously in Jammu & Kashmir, and Pakistan-occupied Kashmir, to ascertain the desire of the people on either side of the Line of Control. Although, India has time and again rejected Pakistan's demand for plebiscite as per the UN Resolution of 1948, on the ground that the accession was legally tenable as it was carried out as per the provision(s) of the Instrument of Accession of the Indian Independence Act 1947, with regard to political destiny of the Indian States. But, situations

have changed enormously in the region since then, and there is no other way to find out a better option other than the plebiscite. There is an urgent need to resolve the Kashmir conflict at the earliest, because time is too short for the conflict to continue more. All options, including military solutions, bilateral negotiations, back channel diplomacy and so on, to resolve the dispute, since 1948 have proved complete failure. Plebiscite, therefore, appears to be the only option, left out, so far. India should accept it without further delay, so that time should not run out of hand. Pakistan, three years back, during Parvez Musharraf's period, was ready to drop the plebiscite demand. But, now it is a geopolitical necessity.

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