

India –Pakistan; the History of Unsolved Conflicts.

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Abstract: *Since the withdrawal of British, following the creation of the two dominions, India and Pakistan, Jammu and Kashmir has been the bone of contention between the two. It is most tragic that India and Pakistan have been looking upon one another as enemies, since independence and there relations with each other are charged with an envenomed load of bigotry, prejudice, religious and nationalistic hostility. Both countries have spent millions of rupees on defence against each other. The brave of both the countries to uplift their people's pitiable low standard of living, have greatly hampered by their corrosive quarrels. the relation between the two domains approached boiling point over the fate of three princely states junagadh, Hyderabad and Kashmir in 1947.the two states have fought four wars; 1948, 1965,1971 and 1999.three had origin on Kashmir dispute. The present paper INDIA-PAKISTAN RELATIONS; THE HISTORY OF UNSOLVED CONFLICTS, is designed to analyze true nature of India Pakistan conflicts and its long term consequences. To accomplish this goal present paper is divided in to (a) pre independence and (b) post independence era.*

I. Introduction

Indeed, Asia's ugliest unsolved problem has been the constant bad relations between India and Pakistan. The roots of crises extend to the catastrophic partition of the two countries in 1947 when British government left the region after a 250 years period of rule characterized by exploitation and divide and rule conquer tactics. the British empires divisive policies which were aimed at creating rift between Hindu and Muslims in order to dilute any potential cohesive opposing force. The British pitted these two groups against one another and eventually Muslim league was forced to demand the creation of separate state to be called Pakistan. Because it felt its interests would not be represented in the Hindu majority India. On august 15, 1947 after ruling the sub-continent the British surrendered the power India and Pakistan became two sovereign nations. Partition created several problems like rehabilitation and evacuee property, shearing of assets and integration of princely states etc the dispute over. the accession of princely states ;junagadh ,Hyderabad and Kashmir in less than five months after independence two countries were on the verge of war over this issue. The trouble in India Pakistan relations begin in 1947 when Hindu maharaja wanted to accede against the wishes of overwhelming majority of its population .this dispute is poisoned well from which infection has spread to every other point of contact between two countries. The importance of Kashmir to Pakistan can hardly be exaggerated. If in Delhi Kashmir question represents an issue of prestige or principle in Rawalpindi it looks like the matter of life and death.

II. Part A: Pre-Independence-Era (Before 1947)

Almost from the very beginnings of recorded history, India had to face a long succession of foreign invasions. Being attracted to commercial potential of India, it was 17th century that the Europeans for the first time began taking interest on large scale. The most important early entrants were the Portuguese, the Dutch, the French and the British. None of them come to India to settle here, they were all attracted by the stories of India's fabulous wealth and affluence and by the excellence of her manufactured goods, which had big market in Europe the British also first time come to India as trading company like other Europeans. The company which latter come to known as 'East India company'. The company increased its power and influence in the Indian sub-continent. The situation deteriorated further after the death of Mughal emperor Aurangzeb in 1707. The empire began to disintegrate and central authority weakened. The company which could now change the Nawab at its will become the de-facto sovereign power. The Establishment of British rule in India was an entirely novel phenomenon for her, every previous ruling class, weather it has originally come from outside or was indigenous, had accepted the structural unity of India's social and Economic life and tried to fit in to it. It had become Indianized and had struck roots in the soil of the country. The new rulers were entirely different, with their base elsewhere, between them and average Indian there was vast and un-bridgeable-gulf a difference in tradition, in outlook, in income and way of living. There were two worlds: the world of British officials and the world of Indian millions, and there was nothing common between them except a common dislike for each other.¹

¹ Dr B L Fadia ;Indian government and politics, shitya bhawan , Agra2011, p ,1.

The East India Company's victory in the battle of Plessey in 1757 and the Battle of Buxar in 1764 gave them political control over the eastern states of Bengal and Bihar, and laid the foundation of the British Empire in India. Over next hundred years several areas were annexed to the British Empire in 1858, the administration of the India was taken over by the British crown from the East India Company and there were no further annexation.² The British government directly assumed the power and responsibility with respect to Indian administration in 1858, from the East India Company. Thus the British crown becomes the sovereign ruler of India and Governor General of India was also designed as viceroy of India. The rulers of princely states were assured by the British government that their autonomy and freedom would not be encroached upon in the future and Governor General of India would deal with them as viceroy of India. The British government tried to introduce various reforms in Indian government through the acts of 1861, 1892, 1909, 1919 and 1935. The reforms were also intended to pacify Indian people and leaders of the congress, which represented the intellectuals of India from different walks of life.³ Though the elements of nationalism were known to Indians, yet it practically developed in British period. There were many reasons for it, the British ruled over India in their self interests, Indians realised their motives they were fed up and oppressed by alien rule, their attempt to interfere in religious and social practices infuriated the Indians and their anger resulted in the armed revolt of 1857. The British crushed the revolt, but they couldn't crush the spirit of nationalism among Indians. The English education was introduced in India to prepare the clerks and to mentally win over Indians. But when Indians studied the European history they began to think in terms of Indian freedom from British slavery. The partition of Bengal in 1905 by Curzon infuriated the Indians and there began a craze for freedom movement in the country. The partition of Bengal by Lord Curzon in 1905 led to Swedish movement and protest demonstrations by Indians which resulted in the emergence of radical elements within the congress⁴. The evil design behind this was obvious "in East Bengal the Muslims, politically less advanced and more loyal to British than Hindus, would be in a majority, while in Bengal the Bengalis would form minority by the inclusion of Bihar and Orissa. Thus the Bengalis would be divided from their kiths and Kins, the Bengali Hindus, hated and dreaded by Curzon for their advanced political Ideas, would form minority in both Provinces, and a thin wedge would be driven between the Hindus and the Muslims of Bengal. It was un-doubtedly a master plan to destroy the nascent nationalism in Bengal". Exploiting Hindu, Muslim difference at all levels of public life was an important characteristic of British rule and the bureaucracy tried its best to practice this policy as the intelligible and the most practical to perpetuate their domination in India. The poisoning of Indian brain or the Brain-washing of many true nationalists by the British rulers in the interests of British imperialism was a regular feature of the then rule. The progress of Hindus or Muslims was no matter to British, but they were greatly worried over the unity of the two, which in every way would adversely affect their interests.⁵ So they started playing cleverly, turning one community against the other. The exploitation of communal difference was taken to further heights by Lord Minto, who in close collaboration with Lord Morley, incorporated communal representation in the new councils created under the Minto-Morley reforms. The Minto Morely reforms thus gave a permanent shape to the policy "counterpoise of native against native" initiated by Lord Curzon. "Indians were politically divided into communal compartments, to thwart the growing national unity. The seed of Pakistan was sown. The partition of Bengal in 1905 brought some sort of hope to Bengali Muslims who were politically, socially, economically and culturally crushed after the fall of Muslim rule in Bengal in 1757."⁶

The Trauma continued and when in 1905 the British government divided Bengal into two parts to solve their administrative problem, the Hindus, generally of the subcontinent and particularly of the Bengal launched a severe demonstration campaign to the extent that even the British authority alarmed and ultimately cowed down before the Hindu agitation. On the other hand Muslims of Bengal supported the partition scheme which made them majority in the newly formed province and also get their due share in the administration and economic spheres. But the Hindu opposition to the scheme was detrimental to their hope and aspiration, this consciousness of the Muslim Bengal gave birth to certain political organisation some of which played very important role in the political arena not only of Bengal, but also the entire sub-continent. The first Muslim political organisation which come into being after the partition of Bengal was called "Mohammedan provincial Union" with the objective of "uniting the Mohammedans of new province of East Bengal and Assam into a compact body and representing to government views and aspirations of Muslims in social and political matters"⁷. The Muslims of Bengal soon realised that the problems of the Muslims of Bengal could not be solved locally and so they immediately began to organise the Muslims of all over the sub-continent to adopt more effective strategy to

² Laskshmi Lyer; the long term impact of colonial rule, Evidence from India, June 2003 p, 4.

³ Pratiyoguta Darpan; Indian polity and governance ,Upkar prakashan, Agra , 2011 p,19.

⁴ S R Sharma ;freedom movement 1857-1947, B R publishing corporation new Delhi, p-71.

⁵ Pratiyogita darpan; Indian polity and governance ,upkar prakashan, agra,2011 p,10.

⁶ M P Ajithkumar; the india Pakistan relations, the story of fractured fraternity, p-25.

⁷ Jakub Stephen; Indian way to independence, the Indian nation national congress, p-66-67.

safeguard their rights vis a vis their rival communities. The ultimate result of these efforts was the formation of the All India Muslim League in 1906.⁸

Demand for Pakistan:

The British Empire's divisive policies, which were aimed at creating a rift between Hindus and Muslims in order to dilute any potential cohesive opposing force, began in a large scale in the early 1900's, when it started to fear the perceived growing strength of the Hindu nationalist movement. In order to counter balance this perceived threat, the colonialist British government began to actively support Muslim league, a political entity spearheaded by Mohammad Ali Jinnah that aimed to represent sub-continent's Muslim interests. The British pitted these two groups against one another, and eventually the Muslim league was forced to demand the creation of a separate state, to be called Pakistan, because it felt its interests would not be represented in a Hindu majority India. Jinnah's efforts to promote Hindu Muslim unity reached a climax. After Nehru's report was published in 1928, which faced criticism and certain amendments were proposed, when these were rejected. Jinnah finally decided to part away with congress.⁹ It was 1906 Muslim league was founded in Dacca to protect the interests of Muslims. The objective of league was to secure the rights and privileges of the Muslims. "It was on these grounds that M.A. Jinnah rejected the Nehru report of 1928 which in-turn had rejected a separate Muslim electorate and any claim for increased representation"¹⁰. In 1940 it had passed a resolution aiming at independence from both British rule and also Hindu majority dominance of India. It considered the Muslims of India to be not a minority, but in fact a "nation within a nation". After 1940 the league stuck to its demand of a separate state throughout the negotiations under the August offer, Cripps proposals, Shimla conference and cabinet mission plan. Muslim league under Jinnah's leadership succeeded in getting its terms accepted and Pakistan was formed.¹¹ Demand for a separate state for the Indian Muslims was first proposed by Sir Dr Mohammad Iqbal, the poet philosopher. In his presidential address at annual session of all India Muslim league in 1930, at Allahabad a city in the heart land of Hindu India. The demand for separate state for Muslims was further crystallized on the basis of "two nation theory" which was elaborated into a political doctrine by Mohammad Ali Jinnah¹². Jinnah declared that Hindus and Muslims were two nations by any definition or test of nation. Pakistan was claimed as homeland for Indian Muslims on the principal of the right of self-determination. But the idea of separate Muslim state was totally abhorrent and repugnant to the congress leaders, for whom unity of India was Article of faith. Thus began the bitterness, quarrel between the two communities. For Muslims it was struggle for survival, for the Hindu it was to avoid vivisection of motherland. When British government decided to grant self rule to India in 1946. The two communities were engaged in a bitter struggle involving violence and communal riots on a vast scale.¹³ The all India congress party was vehemently opposed to partition, so much so that Mahatma Gandhi had vowed that Partition could be brought about only on his dead body. Mahatma Gandhi Joined the Indian political activity in 1920, and converted the congress into a mass movement. The non-cooperation movement, the civil disobedience movement and Quiet India movement launched by him got active support of people on large scale. The British saw in Lord Mountbatten and his family, the potential to influence the congress through Pt. Nehru to accept partition, both Lord Mountbatten and Lady Mountbatten worked day and night, and ultimately they succeeded in enticing Nehru to their scheme¹⁴. The two major communities in the Indians sub-continent had lived peacefully for centuries prior to the arrival of British and any political matter could have been resolved through negotiation and implementation of the constitution and an independent and strong Judiciary, which could protect the rights of Muslims, Hindus and other communities. The divide and rule policy manifested itself in the form of the two nation theory. Which as stated and espoused that Muslims and Hindus needed two separate sovereign home land. The two nation theory would not have been allowed to propagate, if British rulers were not supporting it behind the scenes¹⁵. On 3rd June Lord Mountbatten announced the plan of partition, which was accepted by Muslim league, the congress and the Sikhs. On the basis of Mountbatten plan, the Indian independence bill was introduced in the British parliament on 4, July 1947. The bill was passed into law on 18 July. The Indian independence Act provided for the establishment of the dominions of India and Pakistan. The British government divested itself of all authority over the dominions with effect from 15 August 1947. On August 15,

⁸ Syed Umar Hayat; muslim political ascendance in Bengal, a case study of role played by the Bengal provincial Muslim league krishak proja party (1906-41) Pakistan journal of history and culture vol . p -112.

⁹ Vivek sankaran and Ramit Sethi; india Pakistan and Kashmir conflict toward solution, p-4, 2003.

¹⁰ Amerdeep, Dr Ved kur ;creation of pakistana , Jinnah and role f muslim league ,international indexed and referred research journal june 2012 vol issue 41 .

¹¹ K B S ayeed (1968), Pakistan, the formative phase 1957- 1948 oxford university press p=63.

¹² Amerdeep Dr ved kur; creation of Pakistan Jinnah and rule of muslin league international indexed and referred research journal , June 2012 vol issue 41 .

¹³ Jamal- ul- Din Ahmad ;(1970) historic document of muslim movement, Lahore publishing house p-122.

¹⁴ G W Choudry; Pakistan's relations with india, meenakshi prakashan meerut new delhi, p-3.

¹⁵ J K Sharma; Kashmir in blood tears anglo American conspiracy, p-16.

1947, after ruling the sub-continent for over two hundred years. The British surrendered power India and Pakistan become two sovereign nations. M. A. Jinnah whose powerful agitation for a separate homeland for Muslims had led to country's partition and shattered the Gandhi's dream of free and united India.¹⁶

III. Post Independence Era ;(After 1947)

The present of a society is always an outcome of its past, which in turn, sets out the horoscope of its future. Partition has also been the result of several forces, social, economic, political and religious at work in the life of the Indian people. The Hindus the Muslims, the Christians and others. The British and their modus operandi, the divide and rule policy hatched it for maturity. Partition has been an epoch making event in Indian history, it marks the march of nation from slavery to self rule, but through the pool of blood of their brethren, and unfortunately by their own swords¹⁷. Anyway 15 August presented two aspects. It was the day of the worst communal angry ever registered in human history. At the same time, it was the day of independence of India. The British rule came to an end. The Indian independence Act, 1947 come as a reward and punishment to its off-springs.¹⁸ The study of interaction between Indian and Pakistan is dominated by different variables such as conflicts, crises and cooperation. Since the partition both India and Pakistan have been looking at each other with mistrust, suspicion and fear. The creation of Pakistan gave Hindu, Muslim rivalry a great degree of legitimacy. Unfriendliness, communal riots evacuee property, migration refugees, distribution of asset and so many other burning problems caused by the haste with which partition took place, added to already existing bitterness.¹⁹ After partition, Indian and Pakistan have never settled to conduction of accommodation and amity As Pakistani columnist wrote recently, India and Pakistan are two men who have married each other's sisters. If one mal treats his wife, he should be sure enough that his sister will face the same treatment and problem in her husband's house. In spite of the best wishes of the leaders of both sides since the partition of the country, the hostility between India and Pakistan has not been lessened; rather Indian and Pakistan have been embroiled in such endless despite that the word peace is not found in the history of Indo-Pak relations²⁰

Indian Independence Act:

The most important event was the historical announcement of India's Governor-General, Lord Mountbatten with regard to the "date of British withdrawal from India to August 15, 1947. The act created two new dominions. India and Pakistan. Both these new Dominions were given freedom of choice either to continue to be the member of the British common wealth or to leave it. The power was to be transformed to the constituent Assemblies of India and Pakistan which were created by the act itself to frame the constitution for their respective countries and until the new constitution both the new dominions were required to conduct their dominion affairs at the central, as well as provincial level, according to the Government of India act 1935.²¹ There were five hundred sixty two princely states at the time of partition. They were bound with Britain through treaties which allowing them complete free hand in the suppression of their subjects, imposed British crown as the paramount power, whose functions were performed by the viceroy.²² The British Paramountency on the princely states lapsed on August 15, 1947. The rulers of the states were given three options. Firstly, they could join of their own free will as independent entities, Indian dominion. Secondly, they could join the dominion of Pakistan. Thirdly they could choose to remain independent.²³

Invasion, Accession and Reference to UN:

By August 15, 1947, all but three of the Indian states whose territories were geographically contiguous to the new state of India had acceded to Indian union. Three exceptions were significant, particularly. They imposed further strains on the already un-happy relations with Pakistan. The Muslim ruler of Junagarh a tiny state in Kathiawar near the south eastern frontier of the West Pakistan acceded to Pakistan and Pakistan accepted the accession even though the population of the state was predominantly Hindu. The people of the state forced the ruler to flee and in November 1947. The Muslim dewan was compelled to invite the government of India to intervene. That Junagarh become associated with the Indian union after a plebiscite in February 1948 showed that this was the wish of the over-whelming majority of its people. Hyderabad with a Muslim ruler, the Nizam, and a Hindu majority, presented a similar but more complicated situation. The largest of the princely states. Hyderabad though landlocked in the heart of India sought independence as a sovereign state and entered a one year standstill agreement with Indian while negotiation proceeded with increasing disorder in Hyderabad

¹⁶ Nasim yousf;Pakistan and the case for unification, new yark conference on asian studies ,09-01 2009

¹⁷ J K Sharma; Kashmir in blood tears, Anglo American conspiracy,p-1-2.

¹⁸ Ibid p-8.

¹⁹ C D Philips & M D Wainwrigth (1970)Partition of india, policies & perspectives,1937-47.

²⁰ M G Chitkara;indo pak, amity,A new concept,Ashish publishing house Punjabi bagh new delhi, 1944.

²¹ G H Khan; government and politics of Jammu and Kashmir, p-13-14.

²² Mohammad Yousf saraf; fight for freedom, vol 2 (1947-1978) p-719.

²³ .G H Khan ; government and politics of Jammu and Kashmir,p-14-15.

and the rising influence of paramilitary. The Indian govt. moved troops into the state a “police action” to restore law and order. Hyderabad then acceded to the Indian union.²⁴ Jammu and Kashmir in area and population was second only to Hyderabad among the princely states of undivided India, and its proximity to the Soviet Union and the Chinese province of Sinkiang gave it a special strategic importance known to the tourists Switzerland of East. Islam entered into the state in the tenth century and since then Muslim culture has been dominant. Only by accident it happens that a Hindu ruler was established in Kashmir. Under the treaty of Amritsar (1846) like the other rulers of the princely states, at the transfer of power the Hindu Maharaja of Kashmir had the option of joining either India or Pakistan or of remaining independent.²⁵ But the ruler of state of Jammu and Kashmir did not accede to any of the new dominions, probably due to the frustration caused to him due to people’s revolt in his own state. Maharaja was in a state of doldrums about the accession issue. While struggling for seeking recognition to his political desire, Maharaja Hari Singh, in an effort, through his Prime Minister Pandit Ram Chand Kak, had sent an identical telegram to the government of India and Pakistan, offering a standstill agreement. The government of Pakistan agreed to have a standstill agreement with the government of Jammu and Kashmir. But the government of India wanted to negotiate a “standstill agreement between Kashmir government and Indian Dominion” in Delhi. However, India never concluded standstill agreement with Kashmir government.

The strategy adopted by ruler of Kashmir to delay the accession with a view to realise the dream of an independent Kashmir provided ultimately a boomerang against him. His policy of delay and an attitude of indecision was responsible for the Poonch. Revolt”. It was followed, in a due course of time, by the raid which the tribesman from Pakistan launched on the state of Jammu and Kashmir on October 22, 1947. As charges and counter charges were being made by Pakistan and Kashmir. On 22 October 1947 fully armed Tribesman from the northwest of Pakistan and other Pakistani nationals entered Kashmir from two directions in motor vehicles in a full scale invasion to march towards the capital of state, occupy, and decide the fate of Kashmir once again in its history with the sword.²⁶ Maharaja for his own safety left the valley for Jammu on Oct 25 1947, on Oct 26, 1947, the Maharaja wrote a letter to the Governor General of India mentioning that despite his desire to remain independent of both the India Dominion and the Dominion of Pakistan. The unforeseen emergency generated by the tribal raid on his state had left no option for him except to ask for help from the Indian Dominion. But India refused to help unless the Maharaja signed the instrument of accession,²⁷ The issue of states accession to India has been, from the very start, a subject of great controversy both at the national and international levels. The government of Pakistan’s version being that since the ruler of Kashmir had created a situation in Kashmir for military intervention by India. It was a conspiracy showing the existence of a plan for accession against the will of people, possible only by occupation of country by Indian troops. For India the accession was legal and constitutional, perfect and unchallenged. The main issue involved in the controversy regarding accession was whether the accession was or was not conditional. If the accession was conditional why the government of India declared that it was subject to the people’s decision and if conditional why the issue has not been referred to the people of the state for seeking their confirmation.²⁸

However, on Oct 27, 1947 the Governor General Lord Mountbatten declared that as soon as law and order have been restored in Kashmir and her soil cleared of invaders the question of accession would be settled through a reference to the people. However, the accession of Jammu and Kashmir opened up a new beginning not only in the annals of Jammu and Kashmir but also in the annals of South Asia. Pakistan strongly protested and disapproved the accession. Pakistan questioned the authenticity of accession, “the Maharaja of Kashmir had no authority to sign the instrument of accession as he had lost the confidence of his people²⁹. Soon after the instrument of accession was signed the Indian army moved into Jammu and 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 early 1948, and Indian and Pakistan soldiers became involved in a war that lasted for few days. Though India had formally complained to the UN Security Council on January 1, 1948 by lodging a complaint against Pakistan at UN Security Council. India internationalized the Kashmir dispute by making her own territory vulnerable to international discussion and pressure.³⁰

IV. Kashmir at the United Nations:

On January 1, 1948 India lodged a complaint against Pakistan with the United Nations Security Council under Article 34, 35 of the United Nations Charter which provides that “any member may bring any situation

²⁴ DR B L Fadia; *Shitya bhawan*, Agra 2011, p-62 Indian government and politics.

²⁵ G W Choudry; *Pakistan relations with India*, Meenakshi Prakashan Meerut, New Delhi, 1971, p-55.

²⁶ G H Khan; *Government and politics of Jammu and Kashmir*, p-18.

²⁷ Suddepto Adikhari. Mukul Kamie; *Kashmir the unsolved dispute between India and Pakistan*, geopolitics quarterly vol 6, no 4, p-19.

²⁸ G H Khan; *Government and politics of Jammu and Kashmir*, p-19.

²⁹ Suddepto Adikhari, Mukul Kamie; *The Kashmir an unsolved dispute between India and Pakistan*, geopolitics quarterly, vol 6 no 4 pp-74.

³⁰ Rathnam Indurathy; *Kashmir between India and Pakistan an intractable conflict, 1947 to present*.

whose continuance is likely to endanger the maintenance of international peace and security³¹. On January 20, 1948 the security council established there member UN commission on India and Pakistan (UNCIP) and sent the commission members to Kashmir to assess the war situation and to bring the war to an end, and also to suggest ways and means to resolve the conflict. On August 13, 1948 the UN commission on India and Pakistan (UNCIP) passed a resolution calling for immediate cease fire between the India and Pakistan. It also resolved that after the complete withdrawal of the India and Pakistan armies from Jammu and Kashmir a plebiscite could be held to ascertain the destiny of the state under UN supervision. Though India and Pakistan agreed on the cease fire but Pakistan refused to withdraw her troops from the Jammu and Kashmir under the situation there was no point for India to withdraw her troops. The ceasefire went into effect on January 1, 1949. On January 24, 1949 UNCIP sent a monitoring group for India and Pakistan (UNMGIP) to the region in order to monitor the 840 km long cease fire line across Jammu and Kashmir. The ceasefire was later renamed as line of control (LOC) following the Shimla agreement between India and Pakistan in July 1972³². Fleet Admiral Chester Nimitz an American was appointed as plebiscite administrators by UN secretary General. But he could not assume his function as India and Pakistan objected to its implementation based on their varying interpretation of the UNCIP resolution in the issue of demilitarization. In December 1949 the Security Council entrusted its president General A.G.L McNaughton of Canada to negotiate demilitarization plan in consultation with India and Pakistan. Pakistan agreed to simultaneous demilitarization but India chose to ignore it by raising moral and legal issues about the plan. On March 14, 1950 Security Council passed another resolution to follow up on McNaughton's proposals and appointed the noted Australian judge, Sir Owen Dixon as a UN representative to replace UNCIP. In September 1950 Dixon suggested proposal limiting the plebiscite only to the Kashmir valley of the Predominantly Muslim population, which both countries rejected. In April 1951 the council appointed Dr Frank Graham, former US senator, as UN representative between December 1951 and February 1953 frantically tried to convince both India and Pakistan to accept the secretary council supported demilitarization Proposals that required the reduction of the military presence of both countries in Kashmir and Azad Kashmir preceding the conduct of a plebiscite but to no avail. Kashmir issue finally died down at the Security Council because of its failure to force Pakistan to vacate the occupied area of Jammu and Kashmir and failure to convince India for arbitration.³³

Beyond Kashmir, the Siachan, Sir Creek and Tulbul/water dispute:

As the world's highest conflict zone, the Siachan glacier is recognised for its harsh weather and inhospitable terrain. Situated in the Karakoram Range, the glacier is approximately forty seven miles long and between two and four miles wide. Winter snowfall averages ten and half meters, and blizzards can involved up to 150-plus knots (more than 170 miles per hour) and the temperature more or less remains in the vicinity of -40⁰ Fahrenheit and sometimes much lower due to wind. These factors have earned this landmass of contention the title of the "third pole"³⁴. The UN ceasefire line was physically demarcated in accordance with the 1949 Karachi agreement up to the edge of the glacier region. From Siachin to Karakorum pass, recognised international practice was applied. It was decided to demarcate this glacier area at some later stage. The status quo was not disturbed even, During the Indo-Pak wars of 1965 and 1971³⁵. New Delhi first become suspicious in 1980 when an American map showed the Siachan and places like Lyogme and Lagongma as part of Pakistan. Subsequently Indian army come to know that Japanese mountaineering expedition team was seeking Islamabad's permission to scale certain mountain in the area. India launched operation Maghdoot on 13 April, 1984 when the Indian army and the IAF went into the glacier. Pakistan quickly responded with troops deployment and what followed was literally a race to the top. Within a few days, the Indians were in control of most of the area, as Pakistan was beaten to most of the Saltoro bridge high ground in about a week, in 1987, Pakistan made an attempt to dislodge the Indian position. The un-successful attacks were carried out under the command of General Perez Musharaf and position remained the same, over the years Indian expedition proved disastrous³⁶. The un demarcated status of Siachan glacier turned it into a no-man's land, thereby open to incursion and conflicting claims by both sides. It is Pakistan however, that since 1978 has undertaken various mountaineering expeditions to the area and in the process claimed its de facto jurisdiction. In response, India undertook similar expeditions to counter any Pakistani claim. Although Pakistan ceased these expeditions by 1981. The Pakistani government devised a cartographic incursion, in which it complained that Indian troops must be withdrawn beyond the NJ9842 Line that Joined with Karakoram pass and Pakistan claimed, unilaterally, the direction of the "thence North" advance of the LOC. This move by Pakistan government set the

³¹ Mohammad Yausf Saraf; Kashmiri fight for freedom, vol 2 (1947-1978) p-1045.

³² Suddepto Adhikari, Mukul kamie; An unsolved dispute between India and Pakistan, geopolitics quarterly, vol 6, no 4, 2010 p-75.

³³ Rathnam Indurathy; Kashmir between India and Pakistan, An intractable conflict, 1947 to present p-5.

³⁴ Ashutosh Mishra; India Pakistan coming to terms, Palgrave Macmillan, 2010. p-108.

³⁵ P R Chari, Pervez Iqbal Cheema; The Shimla agreement 1972, its wasted promises p-168.

³⁶ Kuldip Nayeer; Wall at Wagah, India Pakistan relations, Gyan Publishing House New Delhi, 2003, p-232.

alarm bells ringing in the New Delhi, and, in response India contested these claims and accused Pakistan troops of introducing into India territory, the decision was taken to occupy two key passes that gave access to Saltoro Ridge, Sia land Bilafond La, Before Pakistan did so. Knowing well that whoever captured these heights would dominate the area and foil any future intrusions by the adversary, Indian troops under lieutenant General M.L Chibber undertook operation Meghdool in 1984 and on April 13 occupied Bilafond. La, taking Sia La three days later. Even Since, Pakistani troops, beginning with the immediately launched operation Ababeel, have endeavoured to dislodge the Indian troops but with little success. The ground positions of the two sides have remained frozen, with Indian troops occupying and controlling saltoro Ridge and Pakistani troops stationed to the west of Saltoro, approximately seven miles from Siachen.³⁷ Between 1974-80 Pakistan had undertaken many expeditions but acceding to lieutenant General Chebber, these ceased after 1980. Since India's preemptive capture of Saltoro Ridge, Pakistan has maintained constant pressure on the Indian troops by periodic military thrusts, shooting and shelling by heavy artillery. Thus ensured extremely debilitating and expensive warfare. Pakistan's nascent motive to build permanent out posts in the area, as India managed to do so first, violated the spirit of Shimla agreement that said neither side was to take any action that might alter the ground Situation.³⁸

The Sir Creek Dispute:

Sir Creek is a 60 mile long estuary separating the Pakistan of Sind from the India province of Gujarat. In 1965 after armed clashes, Pakistan asserted that half of the Rann along the 24th parallel was Pakistani territory. India countered that the boundary run roughly along the northern edge of Rann. The matter was referred to arbitration and the indo-Pakistani western boundary case tribunals award on February 19. 1968, upheld 90 percent of India's claim to the entire Rann, conceding small sector to Pakistan³⁹. Sir Creek dispute originated after the parties had agreed before the Kutch tribunal to limit their larger dispute over the Rann to the boundary in the north. Well to the south lay on agreed boundary that began at the head of Sir Creek and Rann a short distance east words roughly along the 24th parallel. However India's contention was that this line moved up sharply at a right angle to meet the northern boundary of the Rann. Pakistan sought to extend the line further east ward and claim half of the Rann along the 24th parallel. The sole issue, therefore was, weather the short agreed boundary from the head of Sir Creek went all the way east or rose at a right angle at its western end to reach the northern limit of Rann. The tribunal accepted India's case that it did turn north and that almost the entire Rann was Indians. The dispute hinges on the demarcation of the boundary from "the mouth of his creek to the top of Sir Creek and from" the top of Sir Creek eastwards to a point designated as the western terminus⁴⁰. The dispute has another interesting dimension that both impedes as well as enhances the prospect of a compromise resolution. The prospects of finding natural gas in the vicinity spurred both parties to attempt to settle the Sir Creek boundary dispute on their own terms so as to enlarge their respective EEZ by 250 square miles with makes it territorial cum resource dispute. This prospect has acted both as positive and negative factor. The desire for a large EEZZ has pushed the two to harden their stance. But at the sometime also encouraged them to explore a mutually beneficial settlement Pakistan has insisted that the boundary in the creek first be delimited in order to establish the point on the land from which a sea boundary can be delimited based on "land towards sea approach" India argues in favour of delimiting the maritime boundary first and then moving towards the land based on the "sea towards land approach". Both approaches are technically possible and legal but only one can be fallowed, for which a compromise has to be reached between the two sides. In recent years both sides have shown the utmost urgency In setting the matter to overt a united nation convention on the law of the sea III (UNCLOS) clause passed in 1982 and entered into force in 1994, that would declare the entire disputed zone as international waters. Should the two sides failed to determine their claim for respective maritime zone by the May 2009 deadline fixed by the UN. Interestingly, after the deadline passed, no definite indications have come from the UN as to whether or not the area has been declared international waters. If the UN deadline is observed then the disputed region may well be international waters, de-facto, at present there is no word from India. Pakistan or the UN on the jurisdictional status of the region. Possibly because of the progress made by India and Pakistan in terms of getting the joint survey of the maritime boundary completed in March 2007 .⁴¹

V. Tulbul Navigation Project/ Wullar Barrage Dispute:

Tulbul Navigation project is located on the Jhelum river in Jammu and Kashmir and has been the cause of disagreement since 1984, when India first proposed building a barrage at the mouth of Wullar Lake, near the town of Sapore in the valley the dispute arose when Pakistan alleged that this barrage would critically hinder the

³⁷ Ashutosh Mishra; india Pakistan coming to terms, palgrave macmillian,2910,p-111.

³⁸ Ibid, p-112.

³⁹ Kant Bajpal, Amitabh Matoo;kargil and after,chellanges for Indian policy,2010p-218.

⁴⁰ Ashutosh Mishra; the sir creek boundary dispute, victim of India, Pakistan linkage politics p-91, IRBU

⁴¹ Ashutosh Mishra; India, Pakistan coming to terms ,palgrave macmillian,2010 p-142.

flow to Pakistan. It was considered by them to be a violation of the Indus water treaty of 1960. India rebuffed these allegations and states that the primary reason for building the barrage was to make the river navigable in the summer months. Pakistan was unsuccessful in proving its case to the Indus water commission in 1986; hence India went ahead with the construction on the project.⁴² India and Pakistan disagrees even on the name of controversy, for India it is Tulbul navigation project, Pakistan calls it Wullar Barrage. According to India Wullar lake is in a pathetic state “a patient on the death bed” it has halved in its size over the past few decades and become shallower and flatter.⁴³ To provide the requisite quantity of water in the Jhelum during the lean months. India proposed that a barrage be constructed to control and regulate the flow from Wullar lake, Pakistan argues that going ahead with this conduction would be violation of IWT (Indus water treaty) that had given India restricted or non consumptive, use of Jhelum,⁴⁴ thus the entire controversy is over whether the Wullar barrage essentially is a project for the control or use of water for navigation or a storage work” defined as a work constructed for the purpose of impounding the water of stream.⁴⁵

“Indo-Pak water Dispute”

Indus river water system has been used for irrigation purposes in Indus basin since the beginning of civilization. In old days availability of river water was more than the requirements, when demands grew substantially dispute started between various water users. However, the nature of these disputes changed after the creation of Pakistan. These disputes which were domestic disputes became international dispute between India and Pakistan by virtue of creation of the two independent countries because in the Partition of Punjab, Radcliffe drew the partition line right across the Punjab province giving most of the water rich reaches of Indus basin rives to India.⁴⁶ The newly formed states were at odds over how to share and manage what was essentially a cohesive and unitary network of irrigation. Furthermore, the geography of partition was such that the Source Rivers of the Indus basin were in India. Pakistan felt its livelihood threatened by the prospect of Indian control over the tributaries that fed waters into the Pakistani portion of the basin. While India certainly had its own ambitions for the profitable development of the basin. Pakistan felt actually threatened by a conflict over the main source of water for its cultivable land. During the first years of Partition the waters of Indus were apportioned by the inter-dominion accord of May 4, 1948 this accord required India to release sufficient water to Pakistani regions of the basin in return for annual payments from the government of Pakistan. This accord was meant to meet immediate requirements and was followed by negotiation for a more permanent solution. Neither side however was willing to compromise their respective position nor did negotiations reach a stalemate. From the Indian point of view, there was nothing that Pakistan could do to prevent India from any of the scheme to direct the flow of water in the rivers. Pakistan wanted to take matter to the international court of justice, but India refused, arguing that the conflict required a bilateral resolution. By 1951, the two sides were no longer meeting and situation seemed intractable. The Pakistan press calling for more drastic action and the deadlock contributed to the hostility with India.⁴⁷ Despite the unwillingness to compromise both nations were anxious to find a solution, fully aware that the Indus conflict would lead to overt hostility if unsolved. Eugene. R-Black, the then president of world Bank, visited the two countries and proposed a working party of India, Pakistan and world bank engineers to tackle the functional aspect of water shearing, the two countries accepted this mediation and world bank stepped in with its own draft proposals for resolution in February 1954 distributing three eastern rivers to India and three western rivers to Pakistan. Protracted talks were held amid mounting tensions, and finally Indus water treaty was signed by Jawaharlal Nehru the then prime minister of India, Field Marshal Ayoub khan the then president of Pakistan and W,A,B, Illif the then president of world Bank.⁴⁸

The second Indo-Pak war (September 1965)

Since by 1965 all attempts at peacefully resolving the Kashmir dispute had failed. Pakistan made plan for “operation Gibraltar” to recover Kashmir. As it did in 1947 it first sent Pakistani guerrillas into the valley in August 1965 hoping that the Kashmir Muslims would raise rebellion against India. Instead, the guerrillas were apprehended and handed over to the Indian authorities. the situation worsened rapidly, on September 1, when Indian troops crossed the international border, Pakistan launched an attack on Jammu. In response India launched a series of attacks through the state of Punjab towards Lahore, Pakistan and battled the Pakistani army. .A two phased plan to seize Kashmir by military force. The first phase of plan was that regular

⁴² Samarjit Ghosh; indo pak composite dialogue,2008 IPCS, Special report no 65 February 2009.

⁴³ Kargil and After;p-224.

⁴⁴ Ibid p-225.

⁴⁵ Ashutosh Mishra; India Pakistan coming to terms palgrave macmillian, 2001, p-161,

⁴⁶ Nosheen, Toheeda Begum; Indus water treaty and emerging water issue, abasyn journal social science vol , 4 no 2 p-266-267.

⁴⁷ The Henery L Stinson center; the Indus water treaty stinson<<http://www.stinson.org/southasian=sa20020116300>.

⁴⁸ Seema Sridhar; ‘Kashmir and water conflict and coperation’ program in arms control control ,disarmament and international security (ACDIS) university of ittinouis at urban- champaign,2008.

Pakistani troops, disguised as local tribesman would cross the CFL and formant an insurgency in the border area of Kashmir. This would set the stage for the second phase where Pakistani would invade and seize the Indian part of Kashmir in a short war, then declare Ceasefire and appeal to the UN to determine Kashmiri future through a plebiscite.⁴⁹ On the call of Security Council India declared a unilateral ceasefire on September 6, 1965 that Pakistan accepted. The UK-USA role in this six day war was not comfortable for India because their attitude was pro-Pakistani. China openly threatened India with an ultimatum that if the India did not end, the war against Pakistan, and vacate the territory. It would then face the consequences. The soviet role was positive and comfortable for India. Rather Soviet Union mediated between India and Pakistan, and succeeded in bringing them at negotiation table. At the invitation of the Soviet Union prime minster 'Alexci Kosygin' on January 1, 1966 the Prime minister Lal-Bahadur-Shastari of India, president Ayoub-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 Tashkent Declaration, and it was resolved that all armed personal of the two countries shall be withdrawn not later than February 25, 1966 to the position they held prior to August 5, 1965 and both sides shall observe the ceasefire terms on the cease fire line.⁵⁰

The Third Indo-Pak war (1971)

In 1971 India and Pakistan fought a third war over Bangladesh's independence in which Kashmir dispute was only a peripheral issue. But Kashmir was not left untouched by the escalation of this war. India helped East Pakistan to emerge as an independent sovereign state based on its distinctive Bengali cultural and unique geographical personality that Pakistan had consistently ignored. India actively intervened in East Pakistan politics providing all kinds of logistic helps. Besides military training to the Bengali youth to fight the Pakistani army. Pakistan lost East Pakistan after a fortnight fighting with India and the new independent state in the name of Bangladesh come into being there. Indian army during the Bangladesh war had opened fronts along the ceasefire line in Jammu and Kashmir as a strategic tactics and entered occupied Kashmir across the ceasefire line. The war came to an end in Bangladesh following the surrender of the entire Pakistani army to Indian army on December 1971, and on the western front (especially in Kashmir) the war come to an end following the unilateral declaration of cease fire by India on December 17, 1971⁵¹.

The rise of Kashmir secessionism in India:

While the past 1947 political history of Kashmir was at the times turbulent and a separate ethno-national consciousness among the Kashmir Muslims remained constantly strong, it was only in the 1980's that widespread frustration among the Kashmiri Muslims against some of their own leaders and the policies pursued by New Delhi erupted into a full blown secessionist movement against India.⁵² The catalytic event had been the 1987 elections when newly formed but un-popular coalition between Indian congress and states ruling national conference party rigged the assembly elections and deprived the dissident groups of representation in the new legislature. Then during 1988 several separatist leaders crossed the border to Pakistan controlled Azad Kashmir received training and weapons. And returned to valley ready for political insurgency.⁵³ Secessionism hardened in the valley with the increasing incidents of communal violence leading to flight of Hindu Kashmiri pundits from the valley to Jammu region and very soon the secessionist movement, spearheaded by the aforesaid pro-Pakistani Muslims, fundamental organisations, engulfed. The entire valley. The government of India invoked the Jammu and Kashmir disturbed area act and Armed force special power act (AFSPA). To deal with secessionist forces,⁵⁴ tension between India and Pakistan become so intense that in may 1990 the Pakistan headed by General Mizra Aslam Beg was willing to use nuclear weapon to "take out new Delhi" it was president Bush's National security Advisor Robert gates and assistant secretary for middle eastern and southern Asian affairs who reportedly helped arrest a deadly encounter between them by visiting India and Pakistan. The two countries however increased their exchange of cross border firing along LoC⁵⁵.

VI. The Kargil war and its impact on indo-Pak relations:-

Pakistan made another attempt to resolve the Kashmir dispute through a military solutions that she had attempted in 1948 and 1965 applying same military manoeuvring that she applied earlier the Pakistani army under general Parvez Musharaf 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

⁴⁹ Rathnum Indurthy; Kashmir between India and Pakistan, An intractable conflict, 1947 to present p-7

⁵⁰ Suddepto Adikhari, Mukul Kamie; the Kashmir ,An solved dispute between india and Pakistan, geopolitics quarterly vol 6 no 4 p-80.

⁵¹ Ibid p-82.

⁵² Rajat Ganguly; india Pakistan and Kashmir dispute ,Asian studies institute and centre for strategic studies.

⁵³ Rajat Ganguly; India Pakistan and Kashmir insurgency ,causes dynamics and prospects for resolution ,asian studies review Routledge UK 2001 p-31o.

⁵⁴ Suddepto Adikhari, Mukul Kamie; Kashmir an un solved dispute between India and Pakistan, geopolitics quarterly ,vol 6 ,no 4, p-87 .

⁵⁵ Ibid p-88.

Indian prime minister to Lahore. These 1500 strong Afghan militants and Pakistani 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 fierce battle that the Indian army fought against the militants and Pakistani soldiers on her own soil. On May 26 India launched air attack known as Operation Vijay (victory) against bunkers from which intruders had been firing upon the Indian troops below the ridges. As the battle turned bloodier and more intense, the Clinton administration intervened to help to defuse the crisis. The Kargil war as it is called was the second such military operation that Indian army had carried forward on her own soil⁵⁶. The first was the operation Blue Star in June 1984 against 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 forces. The operation, code named Operation Vijay began on May 26, 1999 and continued until July 11, 1999⁵⁷. 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 ceasefire declared by India on July 11, 1999. India had set July, 1999 as the deadline before Pakistan for the total withdrawal and Pakistan complied with it. Pakistan was told by the U.S.A and G8 countries to respect the line of control and follow the spirit of the 1972 Shimla agreement to resolve the Kashmir dispute. On July 3, Sharif requested a meeting with Clinton on “an urgent basis” and met with him on 4 July, in Washington after three hours meeting, both leaders issued a joint statement in which Sharif agreed to withdraw the intruders the statement indicated that the forces needed to be returned to the Pakistan side⁵⁸. Sharif’s agreement to withdraw intruders upset the military so much that on October 12 he was ousted from power in a bloodless coup. When Musharraf, who is rumoured to have been the architect of the Kargil and who is called Mr Kargil in India, heard on his return from Sri-Lanka that he was replaced by Sharif’s confidant, Lt-General Khowaja Ziauddin, he had his generals remove Sharif on charges of hijacking and treason. Musharraf declared himself the chief executive, the chief of army, and later as president. Sharif who was convicted and given a life sentence by military court was subsequently exiled to Saudi Arabia in December 1999⁵⁹.

VII. Conclusion

Since the partition of British India into India and Pakistan in 1947, the Kashmir dispute between them has become intractable one. They fought three wars over it in 1947, 1965, 1999, but have not resolved it. The India and Pakistan like Israeli’s and Palestinians make claims to the same territory instead of the peace and progress which the both countries expected. The years since independence have brought warfare, vituperation, frustration and fear. Instead of devoting all their resources to economic development both countries have spent millions of rupees on defence against each other. The root cause of trouble lies far back in history, present day Indo-Pak tension is a prolongation of Hindu Muslim feelings that characterised India long before independence and partition. When the British government in 1857, introduced in a rudimentary way the principle of election and representative institution. The Muslims expressed their apprehension of being dominated by a majority with whom they differed in every sphere of life. The Muslim leaders of the period, Sir Syed Ahmad Khan warned the Muslims against the danger of majority rule in India contending that the larger community would totally override the interests of the smaller community. The Muslim majority in undivided India itself to be in perpetual danger of domination by an intolerant majority. Instead of resolving political issues, the partition of India in 1947 left behind a legacy of hostility in the region. Present day circumstances offer a clear proof that partition was not successful. The concept of partition was touted as a means of bringing security and prosperity to the region. However today’s circumstances reveal quite the contrary. Broadly speaking four factors could be considered for the growth of Muslim separatism which later took the form of “two nation theory”. First the British policy of divide and rule, second the emergence of the Muslim middle class. Third the growth of communal sentiments, fourth the mistakes committed by the Indian National Congress.

⁵⁶ Ibid, p-91.

⁵⁷ Ibid, P-71-72.

⁵⁸ Rathnum Indurthy; Kashmir between India and Pakistan, an intractable conflict, 1947 to present, p-21-22..

⁵⁹ Ibid p-23.